United Nations A/58/207

General Assembly

Distr.: General
1 August 2003
English
Original: English/Spanish

Fifty-eighth session
Items 74 (l), (n) and (u) of the provisional agenda*
General and complete disarmament

Assistance to States for curbing illicit traffic in small arms and collecting them

The illicit trade in small arms and light weapons in all its aspects

Consolidation of peace through practical disarmament measures

Report of the Secretary-General

Summary

The present report summarizes the activities undertaken at the national, subregional and regional levels in Africa in response to the request made by States for United Nations assistance in their efforts to curb the illicit trade in and to collect and dispose of small arms, contained in General Assembly resolution 57/70.

The report also provides an overview of the implementation by the United Nations and by States of General Assembly resolution 57/72, including actions undertaken to implement the Programme of Action adopted by the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

The report furthermore reflects practical disarmament activities of States, including those of the Group of Interested States in Practical Disarmament Measures, and regional and subregional organizations in the context of the implementation of the Programme of Action, as requested by the General Assembly in its resolution 57/81.

The report covers activities undertaken from July 2002 to July 2003.

* A/58/150.

03-45164 (E) 150903

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I. Introduction

1. The present report is submitted pursuant to the requests contained in the following resolutions adopted by the General Assembly at its fifty-seventh session, on 22 November 2002: resolution 57/70, "Assistance to States for curbing illicit traffic in small arms and collecting them" (para. 10); resolution 57/72, "The illicit trade in small arms and light weapons in all its aspects" (paras. 5 and 6); and resolution 57/81, "Consolidation of peace through practical disarmament measures" (para. 7).

II. Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

A. Activities undertaken by the United Nations system

1. General Assembly

First Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

2. By its resolution 56/24 V of 24 December 2001, the General Assembly welcomed the adoption by consensus of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and decided, inter alia, to convene a meeting of States on a biennial basis, commencing in 2003, to consider the national, regional and global implementation of the Programme of Action. By its resolution 57/72, the General Assembly decided to convene in New York in 2003 the first such meeting.

3. Pursuant to resolution 57/72, the Department for Disarmament Affairs sent a note verbale to States, dated 14 March 2003, convening the United Nations First Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and inviting them to attend.

4. The First Biennial Meeting was held from 7 to 11 July 2003 at United Nations Headquarters, with the participation of 148 States. A number of United Nations bodies and other international and regional organizations were also represented, as well as 172 non-governmental organizations.

5. Kuniko Inoguchi of Japan served as Chairperson of the Meeting. The Under-Secretary-General for Disarmament Affairs opened the Meeting and delivered a message from the Secretary-General.

6. The Meeting held 10 plenary meetings, in which it considered all aspects of the implementation of the Programme of Action, and concluded with the adoption of the report of the United Nations First Biennial Meeting of States to consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.[1] The Chairperson's Summary of the Meeting was annexed to the report.

Group of Governmental Experts on identifying and tracing illicit small arms and light weapons

7. In accordance with the recommendation contained in secion IV, paragraph 1 (c), of the Programme of Action, the General Assembly, in paragraph 10 of its resolution 56/24 V, requested the Secretary-General to undertake a United Nations study, with the assistance of governmental experts appointed by him, to examine the feasibility of developing an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons, and to submit the study to the General Assembly at its fifty-eighth session.

8. Pursuant to that request, the Secretary-General convened a Group of Governmental Experts to examine the feasibility of developing an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons, taking into account the views of States.[2]

9. The Group of Governmental Experts held two sessions at the United Nations Office at Geneva, the first from 1 to 5 July 2002 and the second from 24 to 28 March 2003, and a final session at United Nations Headquarters in New York, from 2 to 6 June 2003, at which it adopted a report[3] by consensus.

10. That report examines the nature and scope of the problem posed by illicit small arms and light weapons; describes the existing international and regional initiatives on marking, record-keeping and tracing these weapons; and discusses the technical, legal and policy issues associated with tracing. The report concludes that it is feasible to develop an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons, and recommends that the General Assembly take a decision at its fifty-eighth session on the negotiation of such an instrument.

2. Security Council

11. The Security Council addressed the issue of small arms in the context of its consideration of various themes, including the protection of civilians in armed conflict, at its 4660th meeting (10 December 2002) and children and armed conflict, at its 4695th meeting (30 January 2003),[4] and at its 4766th meeting (30 May 2003), a wrap-up meeting devoted to the subject of conflicts in Africa: Security Council missions and United Nations mechanisms to promote peace and security.

12. On 11 October 2002, the Security Council held an open meeting to discuss the role of the Council in preventing, combating and eradicating the illicit trade in small arms and light weapons. The Under-Secretary-General for Disarmament Affairs introduced the report of the Secretary-General on Small Arms,[5] whose 12 recommendations covered the following main topics: implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects; actions and arms embargoes mandated by the Security Council; conflict prevention, peace-building and disarmament, demobilization and reintegration; and confidence-building measures.

13. In continuation of the Security Council's consideration of the issue of small arms, at its 4639th meeting (31 October 2002) the President made a statement on behalf of the Council[6] in which it took note with appreciation of the report of the Secretary-General and requested him to report, no later than December 2003, on the implementation of all the recommendations contained in that report. The presidential

statement focused principally on the question of arms embargoes and their establishment, monitoring and effective implementation. It also addressed several issues relating to the question of the illicit trade in small arms and light weapons: the reinforcement of existing legislation, and procedures for and control over the export, import, transit, stocking, and storage of small arms and light weapons. The issue of disarmament, demobilization and reintegration was also briefly addressed.

14. Furthermore, by its resolution 1467 (2003) of 18 March 2003, the Security Council adopted a declaration on the subject "Proliferation of small arms and light weapons and mercenary activities: threats to peace and security in West Africa". In that declaration the Council, inter alia, encouraged States members of the Economic Community of West African States (ECOWAS) to submit to the Secretary-General national reports on actions undertaken to implement the Programme of Action in advance of the 2003 biennial review meeting. The Council also called on arms-producing and arms-exporting countries that had not yet done so to enact stringent laws, regulations and administrative procedures to ensure more effective control over the transfer to West Africa of small arms by manufacturers, suppliers, brokers, and shipping and transit agents, including a mechanism that would facilitate the identification of illicit arms transfers, as well as careful scrutiny of end-user certificates.

15. Several of the Council's subsidiary bodies have also been actively considering the small arms issue. In this context, the Counter-Terrorism Committee established pursuant to resolution 1373 (2001) has received reports from Member States that, inter alia, outline measures adopted nationally, such as legislation concerning the acquisition, possession, import and export of small arms, with a view to preventing terrorists from obtaining such armaments. In addition, the Security Council Committee established pursuant to resolution 1267 (1999) has received reports in response to paragraph 6 of resolution 1455 (2003) that describe, inter alia, the specific measures taken by States to prevent the supply of arms to listed individuals belonging to or associated with Al-Qa'idah or the Taliban. On 4 March 2003, the Committee established pursuant to resolution 1267 (1999) communicated clear guidelines to all Member States to assist in the preparation of these reports.

16. The Security Council has continued to employ panels of experts on Liberia, Somalia and Al-Qa'idah and the Taliban (the Monitoring Group), with a view to improving compliance with arms embargoes imposed by the Council. These panels have made a series of recommendations, including those encouraging States to work towards setting up an international convention on the registration of arms brokers and the suppression of unlicensed arms brokering,[7] and calling for the strengthening of the ECOWAS moratorium on the importation, exportation and manufacturing of small arms in West Africa and its implementation mechanism, as well as the establishment, in cooperation with all Member States, of a mechanism for harmonizing and verifying all end-user certificates for weapons.[8] In that connection, the Council, by its resolution 1478 (2003), requested the Liberia sanctions Committee to establish, maintain and update a list of air and maritime companies whose aircraft and vessels have been used to violate the arms embargo established pursuant to paragraph 5 of resolution 1343 (2001). By its resolution 1478 (2003), the Council also decided to expand the existing travel ban to include individuals who were determined by the Committee, on the basis of relevant information, to have violated the arms embargo. By its resolution 1474 (2003), the Council requested the Panel of Experts on Somalia to seek to identify those who continue to

violate the arms embargo inside and outside Somalia, including their active supporters.

3. Group of Interested States in Practical Disarmament Measures

17. During the period under review, the Group of Interested States in Practical Disarmament Measures provided financial support to a fact-finding mission to Mozambique, a small arms conference in Ljubljana, Slovenia, and the disarmament education project conducted by the Department for Disarmament Affairs and the Hague Appeal for Peace. The Group also held three meetings devoted to reassessing its purpose and functioning after almost five years of activities. This reassessment will continue in the near future, in the light of the conclusions of the First Biennial Meeting, so as to place the Group in a better position to assist interested Member States in their efforts to implement the Programme of Action.

4. Coordinating Action on Small Arms

18. The Coordinating Action on Small Arms (CASA) mechanism consists of 17 United Nations departments and agencies[9] and was established by the Secretary-General in 1998 to enable the Organization to bring a holistic and multidisciplinary approach to this complex and multifaceted global problem. CASA has continued its efforts to ensure the coordination of system-wide action on small arms and light weapons and to promote the harmonization of policies, strategies and activities in order to avoid duplication and to generate synergies. In this connection, a revision of the terms of reference of CASA was conducted in October 2002, aimed at, inter alia, improving the definition of its functions and structure, stressing the importance of advocacy, creating a core group within CASA and allowing for the participation of non-governmental organizations in its meetings.

19. Pursuant to General Assembly resolutions 57/70 and 57/72, the activities outlined below were undertaken under the auspices of CASA to promote the implementation of the Programme of Action and to provide assistance to States.

20. At the request of the Government of Mozambique and the United Nations Resident Coordinator in Maputo, an assessment mission composed of representatives of the Department for Disarmament Affairs, the Department of Economic and Social Affairs and the United Nations Development Programme (UNDP) Bureau for Crisis Prevention and Recovery visited that country in December 2002. The aim of the mission was to assess the small arms and light weapons situation in Mozambique and to examine, with the relevant authorities, ways in which the United Nations could assist the Government in addressing the problem. In follow-up to the mission, the Department for Disarmament Affairs, the Department of Economic and Social Affairs and UNDP are currently seeking financial and human resources to undertake a number of initiatives to strengthen the capacity of the Mozambican National Commission against Illicit Small Arms and Light Weapons.

21. The Department for Disarmament Affairs and UNDP continued to collaborate in the implementation of the weapons collection project in N'Guigimi, the Niger.

22. The Department for Disarmament Affairs, the Department of Economic and Social Affairs and the Office of the United Nations Resident Coordinator in Sri Lanka have launched a project to support the establishment of a Sri Lanka national

commission against illicit small arms. The project was formulated pursuant to a recommendation made by a joint Department for Disarmament Affairs/Department of Economic and Social Affairs assessment mission to Sri Lanka in February 2001.

23. CASA organized a United Nations panel presentation to the First Biennial Meeting covering the following topics: an overview of the activities of CASA; illicit trade issues; development, cooperation and national implementation; the human impact of small arms and light weapons; the public health sector's contribution to understanding and preventing small arms violence; and the work of the United Nations Institute for Disarmament Research in the implementation of the Programme of Action. A report entitled "Curbing the illicit trade in small arms and light weapons in all its aspects: the role of the Coordinating Action on Small Arms (CASA)"[10] was also prepared and circulated at the First Biennial Meeting.

24. In addition, members of CASA have undertaken activities related to the implementation of the Programme of Action, as set out below.

Department for Disarmament Affairs

25. In accordance with paragraph 5 of General Assembly resolution 57/72, the Department for Disarmament Affairs continued to collate and circulate information provided by States on a voluntary basis, including national reports, on the implementation of the Programme of Action, national legislation on small arms and light weapons and national contact points regarding the implementation of the Programme of Action.[11]

26. The Department co-organized conferences, seminars and workshops in Africa, Asia, Europe and Latin America and the Caribbean, and designed and implemented weapons collection and disposal programmes in Argentina, Brazil, Peru and Togo. Such activities are mentioned in the reports of the Secretary-General to the General Assembly at its fifty-eighth session on the regional centres for peace and disarmament in Africa,[12] Asia and the Pacific,[13] and Latin America and the Caribbean.[14] The Department for Disarmament Affairs also participated in a number of follow-up events[15] to the July 2001 United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

27. The small arms education project "Developing peace and disarmament education initiatives to disarm children and youth", carried out by the Department for Disarmament Affairs in partnership with the Hague Appeal for Peace, was officially initiated in four countries — Albania, Cambodia, the Niger and Peru — on 1 February 2003. The peace education partners on the ground conducted baseline surveys on behaviours and attitudes of teachers, students and educational administrators with regard to guns and violence. Also surveyed were school and local police records to determine the incidence of violence linked to weapons. The various projects also began training for teachers, curriculum development for classrooms and educational activities for youth.

Office for the Coordination of Humanitarian Affairs

28. Pursuant to a request by the Security Council,[16] the Office for the Coordination of Humanitarian Affairs has facilitated a series of workshops aimed at developing systematic recommendations on humanitarian policy with regard to the protection of civilians in armed conflict, based on the objectives contained in the aide memoire on

protection of civilians in armed conflict adopted by the Council in March 2002.[17] In this connection, the workshops held in southern Africa in October 2002 and West Africa in May 2003 highlighted the importance of harmonizing at the regional level the national legislation on arms control and local production of small arms and light weapons; developing common policies for the collection and destruction of such weapons; and involving affected communities in carrying out such policies.

United Nation Children's Fund

29. The United Nations Children's Fund (UNICEF) is regularly involved in programmes to demobilize child soldiers, including in the midst of armed conflict. Such programmes focus on anyone under the age of 18 who is part of any kind of regular or irregular force or armed group, including, inter alia, combatants, cooks, porters and messengers, as well as girls and boys recruited for sexual purposes or forced marriage. Attention is also focused on helping children at risk of involvement in armed conflict so as to prevent their recruitment into such groups. In the past year, UNICEF has conducted demobilization and reintegration programmes in more than a dozen countries.

30. In response to the Programme of Action, UNICEF has undertaken a project to raise awareness and address the impact of small arms in four countries: Kosovo, Somalia, southern Sudan and Tajikistan. Supported by the United Nations Foundation/United Nations Fund for International Partnerships, the project's objective is to initiate change in the attitudes and behaviour of children, their families and communities so as to promote opposition to the use of small arms.

Office of the Special Representative of the Secretary-General for Children and Armed Conflict

31. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict has drawn attention to the impact of small arms and light weapons on children, and has been advocating action to redress this situation and promoting the incorporation of the issue of children affected by armed conflict in the international peace and security agenda. As a result, the Security Council, in its resolutions 1379 (2001) and 1460 (2003), included provisions to address the linkages between small arms and light weapons and children and urged Member States to take action in this regard.

32. The Office of the Special Representative is supporting the development of a research project on the impact of small arms on children by an international research network hosted by the Social Science Research Council in New York. This two-year project will generate a more extensive knowledge base and will be instrumental in promoting networking and information-sharing among various actors working to prevent and eradicate the negative impact of small arms on children, and will include three regional workshops, in Africa, Asia and Latin America.

United Nations Development Fund for Women

33. Security Council resolution 1325 (2000), the Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective In Multidimensional Peace Support Operations have provided frameworks for action to ensure that gender is mainstreamed into all aspects of United Nations peacekeeping and disarmament, demobilization and reintegration activities. Furthermore, the

Department for Disarmament Affairs has issued a Gender Mainstreaming Action Plan to promote gender awareness in all its programmes. The United Nations Development Fund for Women has commissioned a study to assess the extent to which gender equality can be promoted through disarmament, demobilization and reintegration processes. The study draws on action-oriented research to assist implementers in designing and developing programmes that will equitably benefit women, men, girls and boys in the disarmament, demobilization and reintegration process.

World Health Organization

34. The recent World Health Organization (WHO) publication *World Report on Violence and Health* provides a global overview of the determinants of violence and presents current knowledge about effective interventions to prevent violence. The report's nine recommendations to prevent violence, while including a call for internationally agreed responses to the global arms and drug trade, also draw attention to other areas relevant to violence prevention, including the promotion of primary prevention responses and support for research on violence prevention. In response to the call for action-oriented research contained in the Programme of Action, WHO has initiated a multi-year project aimed at better understanding the nature and scope of the problems associated with small arms. The project is currently in a pilot phase in Brazil and Mozambique, and will be developed in three areas: a comprehensive review of existing data to generate as accurate a profile as possible of small arms violence; direct support for selected community-based programmes, such as a community policing programme in Rio de Janeiro, that aim to prevent small arms violence; and a methodologically rigorous evaluation of the effectiveness of these programmes in preventing small arms violence.

B. Activities undertaken at the regional and subregional levels

35. During the period under review, regional and subregional organizations have been increasingly active in implementing the Programme of Action, as illustrated by the examples given below.

36. The African Union High-level Intergovernmental Meeting on the Prevention and Combating of Terrorism in Africa, held in Algeria from 11 to 14 September 2002, adopted a Plan of Action on small arms calling for measures such as strengthening border controls and combating the illegal import, export and stockpiling of small arms and light weapons, ammunitions and explosives, in order to restrict the access of terrorist networks in Africa to such weapons.

37. The United Nations Office at Nairobi has organized a number of workshops and conferences as a component of its campaign for subregional awareness. It is working with subregional police chief organizations to promote the signature of the Eastern Africa Police Chiefs Cooperation Organization (EAPCCO) Protocol on Small Arms. This comprehensive Protocol seeks to harmonize legislation on small arms across the Great Lakes region and the Horn of Africa. The United Nations Office at Nairobi, in conjunction with EAPCCO, is also developing a training manual and curriculum for law enforcement officers in the subregion.

38. The Southern African Development Community (SADC) signed a Protocol on the Control of Firearms, Ammunition and Other Related Materials in 2001,

establishing a framework for cooperation among SADC member States and with international cooperating partners. The SADC secretariat has established a point of contact and a Public Security Subcommittee that brings together customs, police, immigration and other agencies responsible for border control. A Technical Committee on Small Arms has also been established, through which Member States share best practices, security and safety measures and cost-effective methods of destruction of surplus firearms and agree on mutual assistance for the management of stockpiles. The Committee works with the Southern Africa Regional Police Chiefs Cooperation Organization as well as various civil society organizations, such as the Institute for Security Studies and SaferAfrica. SADC envisages introducing the concept of disarmament, demobilization, reintegration and development and convening a regional workshop on the issue in the near future.

39. The Pacific Islands Forum Regional Security Committee has developed measures for a common regional approach to weapons control, reflected in the Honiara Initiative and the Nadi Declaration, in response to regional problems such as the availability of old stocks, lack of infrastructure for weapons accountancy and stockpile management, and incomplete legislation for licensing and registration.

40. In December 2002, the Common Market of the South and its associated States established a Working Group on Firearms and Ammunitions, aimed at enhancing subregional cooperation in areas such as information exchange, tracing and the harmonization of national legislation with the Inter-American Convention against Illicit Manufacturing of and Trafficking in Firearms, Ammunitions, Explosives, and Other Related Materials.

41. A regional programme has been developed in Central America under the auspices of the Central American Integration System, aimed at addressing the issues of crime, violence and the availability of small arms and light weapons. Furthermore, the Central American Security Commission approved, in June 2003, the Central American Project to Prevent and Combat the Illicit Trade in Small Arms and Light Weapons.

42. Also in June 2003, the Ministries of Foreign Affairs and Defence of the Andean countries adopted the Andean Plan for the Prevention, Combat and Eradication of the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

43. The League of Arab States has collected information on small arms and light weapons in the Arab region and on measures taken in support of the Programme of Action and, in coordination with the Department for Disarmament Affairs, is preparing a workshop on small arms and light weapons, scheduled to be held in Cairo in December 2003.

44. The Euro-Atlantic Partnership Council (EAPC) of the North Atlantic Treaty Organization established the ad hoc Working Group on Small Arms and Light Weapons, which provides a framework for dialogue and information exchange among participating States, as well as technical cooperation through trust funds in the Partnership for Peace framework. EAPC has also cooperated with South-East European and Caucasus States in weapons destruction programmes.

45. The Organization for Security and Cooperation in Europe (OSCE) has undertaken the following initiatives:

- Information exchange on national legislation, marking systems, manufacture control, export and brokering policies, destruction techniques and stockpile management
- Capacity-building activities through training and workshops on small arms and light weapons control, including border security, in the five Central Asian States
- The development of eight OSCE best-practice guides to be compiled into a handbook
- Cooperation with EAPC, the United Nations and related organs, UNDP, the Stability Pact for South-Eastern Europe and the South-Eastern Europe Small Arms Clearinghouse.

C. Activities undertaken at the national level

46. A preliminary analysis of the 97 national reports[18] submitted by States to the First Biennial Meeting and other information received by the Department for Disarmament Affairs, illustrates the progress made since the adoption of the Programme of Action in 2001:

- One hundred and twelve Member States have designated national contact points to act as liaisons with other States on the implementation of the Programmme of Action
- More than 50 States have also established national coordinating agencies to ensure that holistic, integrated and coherent approaches are employed by all relevant actors involved in efforts to implement the Programme of Action
- Twenty-eight per cent of the reports indicated actions undertaken to develop or update existing national legislation on small arms and light weapons
- Fourteen per cent of the reports referred to the existence of brokering laws and regulations prior to 2001, and 22 per cent indicated that brokering laws and regulations had been adopted since 2001 or were currently being prepared
- Fifty-eight per cent of the reporting States indicated that they had had export-import control laws prior to 2001, while 22 per cent indicated that they had adopted or revised such laws, or had initiated such a process, after 2001
- Twenty-eight per cent of the States reported that they had a system regarding end-user certificate requirements in place before 2001, and 12 per cent indicated that they had introduced such a system since 2001
- A significant number of countries particularly affected by the problem of small arms and light weapons indicated that they would need assistance not only in developing import legislation but also in developing the capacity to implement it
- Forty-two per cent of the reporting States referred to actions relating to the improvement of law enforcement capacity and/or cooperation with other countries or regional and international institutions, while 28 per cent reported actions undertaken in this area after the adoption of the Programme of Action.

47. In spite of these encouraging developments, some areas of concern remain, as expressed by a number of States in both their national reports and their statements to the First Biennial Meeting:

- A number of States highlighted the importance of addressing the root causes that drive the demand for, and promote the illicit trade in, small arms and light weapons
- A large number of developing countries directly affected by the problem of small arms and light weapons indicated that current levels of international and regional cooperation and assistance were not adequate
- A number of States expressed continuing grave concern over transfers of small arms and light weapons to non-State actors and the need for tighter controls on the civilian possession of weapons designed for military use
- Some States insisted on the need for improved export-import controls, including the use of reliable end-user certificates
- A number of States expressed strong views regarding the need to develop effective strategies to address the challenge posed by illicit brokers
- A number of States stressed the urgency of starting negotiations aimed at the development of legally binding instruments in areas such as tracing illicit small arms and light weapons and brokering.

III. Conclusions

48. **During the period under review, Member States, international and regional organizations and civil society have remained strongly committed to implementing the Programme of Action at the national, regional and global levels. These stakeholders used the First Biennial Meeting to consolidate existing partnerships and to forge new ones around programmes focusing on concrete action on the ground. The report of the Group of Governmental Experts on identifying and tracing illicit small arms and light weapons constitutes a significant step in addressing one of the critical aspects of the small arms problem.**

49. **The first two years of implementation of the Programme of Action have highlighted the importance of international cooperation and assistance in effectively addressing the challenge posed by illicit small arms and light weapons. The United Nations system, through the CASA mechanism, as well as the relevant individual departments, agencies and funds, and with the support of interested partners, is determined to continue to play its role in the global efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons.**

Notes

[1] A/CONF.192/BMS/2003/1.

[2] All documents, including those stating the views of States, that have been taken into account by the Group of Governmental Experts are available on the Department for Disarmament Affairs web site: http://disarmament.un.org/cab/salw-tracingexperts.html. The Department also maintains printed versions of these documents, which are available for consultation by Governments.

[3] See A/58/138.

[4] See Security Council resolution 1460 (2003).

[5] S/2002/1053.

[6] S/PRST/2002/30.

[7] See S/2002/1050/Rev.1 and S/2002/1338.

[8] See S/2003/498.

[9] Department for Disarmament Affairs, Office for the Coordination of Humanitarian Affairs, Department of Economic and Social Affairs, Department of Political Affairs, Department of Peacekeeping Operations, Department of Public Information, United Nations Children's Fund, United Nations Development Programme, Office of the Special Representative of the Secretary-General for Children and Armed Conflict, New York office of the United Nations High Commissioner for Human Rights, New York office of the United Nations High Commissioner for Refugees, United Nations Institute for Disarmament Research, Centre for International Crime Prevention of the Office on Drugs and Crime, United Nations Development Fund for Women, World Bank, World Health Organization and United Nations Environment Programme.

[10] See http://disarmament.un.org/cab/salw.html.

[11] See http://disarmament.un.org/cab/salw.html; the Department for Disarmament Affairs also maintains printed versions of the documents submitted, which are available for consultation by Governments.

[12] A/58/139.

[13] A/58/190.

[14] A/58/122.

[15] See the *United Nations Disarmament Yearbook*, vol. 27, 2002.

[16] See S/2001/614.

[17] PRST/2002/6, annex.

[18] Reports can be consulted, in their languages of submission, at http://disarmament.un.org/cab/salw-nationalreports.html. The Department for Disarmament Affairs also maintains printed versions of these documents, which are available for consultation by Governments.

Annex

Views of States on further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons

Bulgaria

[Original: English]
[1 May 2003]

We have the honour to inform you hereby that the Republic of Bulgaria adopted legislative amendments in 2002 directed at strengthening control over brokers' activities by introducing an obligatory general licensing mechanism for brokers on the basis of their reliability and stability, followed by issuance of permits on a case-by-case basis. We consider the continuation of the efforts to develop common understanding of the basic issues and the scope of the problems related to illicit brokering, as well as on further action, a very important step for the implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

Costa Rica

[Original: Spanish]
[5 June 2003]

The Government of Costa Rica is of the view that the following steps might be taken to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons:

- Regulate brokering, preferably through steps such as maintaining a registry of transactions, licensing and the establishment of sanctions and penalties for illicit weapons brokering;
- Establish laws, regulations and administrative procedures for the effective control of weapons production, export, import, transit and transshipment;
- Criminalize all aspects of illicit weapons brokering;
- Ensure that authorized manufacturers place appropriate, reliable marks on each weapon as an integral part of the manufacturing process;
- Maintain a registry of imports and exports;
- Notify the original exporter of the final destination of transshipped weapons;
- Institute measures for cross-border cooperation; and
- Cooperate and exchange information on matters relating to illicit brokering.

Grenada

[Original: English]
[2 May 2003]

1. Being small States with small and lightly armed security forces, Grenada and other similar small States can become easy targets for small teams of lightly armed adventurers or disgruntled citizens or criminals.

2. We are not talking about persons with tanks, gunships or for that matter even machine guns. We are speaking of small groups of men, up to platoon size, with rifles, shotguns and pistols, having a very good chance of overthrowing a democratically elected Government or, in the attempt, creating tremendous confusion, hardship and suffering for citizens and visitors. Such men can also create tremendous instability through criminal activities.

3. Because of this real threat to the stability and security of small democracies, it is imperative for the wider community of nations to understand the very significant threat that very small quantities of small arms and ammunition can pose.

4. Once this is understood, the responsible nations of the world will recognize that it is imperative for the very survival of such States that every weapon and all ammunition that is manufactured, anywhere in the world, be marked, registered and tracked throughout its life.

5. This proposal is not aimed at disarming private citizens but at ensuring proper accountability and transparency at all times throughout the life of the firearm.

6. With all nations subscribing to such a policy, all weapons can be quickly traced through individual owners to the dealers and the manufacturers.

7. With a system of accountability and transparency in place it will make it far more difficult for criminals, adventurers, etc., to acquire weapons and ammunition for their evil intentions. If they do succeed, the supply lines can easily be traced so that appropriate action can be taken.

8. To this end we submit the following:

(a) Manufacturers' "signature" and weapon identification number must be permanently inscribed on every part as soon as it is manufactured;

(b) Manufacturers must deliver firearms, etc., only to authorized dealers/recipients;

(c) Firearm dealers (salesmen) must be registered and vetted by the local police/authority;

(d) Firearm dealers (salesmen) must apply "know your customer" rules to all purchasers/suppliers;

(e) Every firearm sale or transfer from a dealer or private owner may take place only after a permit is presented by the purchaser/recipient of the firearm/ammunition;

(f) Purchasers/recipients must have a permit from the local authority prior to purchase/receipt of a firearm, etc.;

(g) Once firearms are purchased they must be registered with the local police/authority by the purchaser and the seller;

(h) Privately owned firearms must be presented to the local police/authority for inspection each year;

(i) Private sales and purchases must follow steps (e), (f) and (g) above;

(j) Any person who ever owned a firearm must be able to present the firearm at any time or present a police disposal/sale certificate in its place;

(k) No firearm is to be disposed of in any way, unless authorized by a disposal certificate issued by the police/local authority;

(l) No firearm or parts of firearms or ammunitions must cross national boundaries unless:

(i) It is declared to both the sending and receiving country (if carried on the person) at the time and point of exit/entry;

(ii) Relevant import and export permits are seen;

(m) Importers must have an import licence from their local authority and a copy of the export licence from the exporter before import is effected;

(n) Exporters must have a copy of the import licence and an export permit before any firearm, part of a firearm or ammunition is sent across national boundaries;

(o) The rules above must be applied to sales by Internet where applicable;

(p) The rules above must be applied to all brokers where applicable;

(q) The rules above must be applied to all gunsmiths where applicable;

(r) Mechanisms must be put in place to monitor the sale and use of ammunition by private citizens;

(s) The loss or theft of any firearm, etc., must be reported to the local authority and also to the authority in the locale where such loss took place.

9. The above regime can and should be applied to the sale/provision/transfer of both small and large quantities of munitions.

10. We believe that such requirements, if subscribed to by all nations, will make the world a safer place.

Jamaica

[Original: English]
[18 June 2003]

1. Jamaica is in full support of General Assembly resolution 57/72 and all previous resolutions which facilitate the strengthening of international cooperation in preventing the illicit brokering in small arms and light weapons (SALWs).

2. Jamaica is represented on the Group of Governmental Experts established by the Secretary-General to develop an international mechanism to enable the marking and tracing of weapons, wherever they are manufactured or transferred.

3. Jamaica is especially interested in seeing the strengthening of participation and cooperation in devising common standards and coding in the marking of weapons at the time of manufacture for all SALWs, as this will assist in efficient and swift tracing when they are used for illicit purposes.

4. Jamaica also considers record-keeping to be a priority, as this should also facilitate the speedy tracing and identification of SALWs from date of manufacture to export or transfer between States.

Japan

[Original: English]
[6 May 2003]

1. The Government of Japan is of the view that regional and international cooperation to prevent illicit brokering activities should be promoted as a part of important efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons. In several forums at the national, regional and global levels this issue and how it should be tackled have been discussed. On the basis of those discussions, Japan is determined to make positive contributions on this subject.

Regulations against illicit brokering activities in Japan

2. The Foreign Exchange and Foreign Trade Law restricts illegal brokering activities. To serve as an intermediary in the international trade of arms is also restricted (Article 25, paragraph 1, subparagraph 2). Those who engage in such trade without permission will be liable to penalties of five years or less imprisonment or a fine of up to 2 million yen, or both; however, if five times the value of exported arms exceeds 2 million yen, a fine of up to that amount may be applied (Article 69-6).

Jordan

[Original: Arabic]
[6 May 2003]

1. . At present the trade in small arms and light weapons does not receive sufficient attention in the Middle East, and, given the security conditions prevailing there, is not being given the priority it merits by the States of the region. Jordan, however, welcomes cooperation in combating the illicit trade in such weapons at all levels — international, regional and national — to curb the proliferation of this dangerous phenomenon and emphasizes that this does not by any means signify the abandonment of the international community's disarmament priorities. Those priorities were clearly defined in the Final Document of the Tenth Special Session of the General Assembly, the first special session on disarmament, held in 1978, which accords the highest priority to nuclear disarmament, followed by the non-proliferation of other weapons of mass destruction and conventional weapons.

2. Jordan has legislation and laws which regulate the purchase, possession, use and circulation of small arms and light weapons. Moreover, it is eager to oppose the smuggling of such weapons through its territory and takes great pains to protect and secure its long borders in order to stop the smuggling of and illicit trade in these weapons.

3. Jordan emphasizes that a solution to the question of Palestine and the attainment of a comprehensive, lasting and just peace in the Arab-Israeli conflict will contribute greatly towards putting an end to the illicit trade in small arms and light weapons and will strengthen cooperation between the States of the region with a view to eradicating this phenomenon. It also emphasizes the need to look into the root causes of the conflict, and specifically the proliferation of these weapons that has resulted from their illicit trade, which in turn is the result, rather than the cause, of the conflict.

4. Jordan insists that any future measures or agreements adopted in this field must not violate the sovereignty of States, which have a right to engage in the legal trade in small arms and light weapons.

5. The following measures may be envisaged to strengthen international cooperation in combating the illicit trade in small arms and light weapons:

(a) The manufacture of and trade in arms could be restricted to Governments and authorized dealers;

(b) Plants producing such weapons could be required to mark them in order to facilitate tracing;

(c) Producer countries could be bound by rules governing the production and export of these weapons and a prohibition imposed on their export to any non-governmental or non-official body;

(d) Restrictions could be imposed on the export of arms to importing countries, and exports of arms to States involved in any armed conflict should be banned unless the arms are required for self-defence purposes;

(e) Weapons depots could be placed under government control and strengthened supervision, and measures should be taken to ensure that they are properly protected and guarded in order to prevent looting or theft;

(f) Cooperation between States in exchanging information concerning arms shipments could be enhanced and measures taken at airports, ports and border regions to ensure the legality of such shipments;

(g) Customs regimes could be introduced and security arrangements, including sophisticated equipment, put in place to detect contraband shipments of arms and munitions;

(h) Intelligence cooperation between States could be enhanced to facilitate the tracing of arms shipments from the supplier to the recipient and the identification of the individuals and groups involved;

(i) Legislation could be enacted and administrative measures taken at the international level to permit the effective monitoring of weapons in the possession of individuals and groups.

6. The role of the United Nations in gathering and publishing information relating to the illicit trade in small arms and light weapons:

(a) The granting of assistance to poor countries to develop their societies, raise their standards of living, since low standards of living are considered one of the principal reasons for the arms trade, and create an alternative source of income for them;

(b) The launching of consciousness-raising programmes to acquaint the citizens of poor countries with the dangers posed by arms of this kind and their impact on security, stability and development in their countries;

(c) The provision of financial assistance for programmes to collect arms from citizens and destroy them;

(d) The encouragement of international and regional cooperation and the active involvement of governmental and non-governmental organizations in curbing this phenomenon;

(e) The active involvement of the International Criminal Police Organization and the World Customs Organization in strengthening the monitoring of arms shipments and the identification of groups and individuals involved in the illicit trade in small arms and light weapons.

Poland

[Original: English]
[30 April 2003]

1. Pursuant to paragraph 4 of General Assembly resolution 57/72, adopted on 22 November 2002, States undertook to consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in the trade of small arms and light weapons (SALWs).

2. Poland believes that control of arms brokers is of crucial significance in counteracting illicit trade in arms. Past experience, including studies by groups of experts appointed by the United Nations to examine violations of arms embargoes imposed by the Security Council, proves that a lack of proper controls facilitates illicit trade.

3. The Republic of Poland is of the opinion that there can be no responsible arms export control without control of the brokers. Nothing can justify inaction in this area. Hence, Poland welcomes the efforts of the international community, and of countries, designed to introduce control of brokers' activity.

4. Since 1997, Poland has had legal instruments for controlling brokering in the arms trade. The Polish legal system applies the same strict procedures for controlling SALW trade, traders and brokers as for those dealing with other types of armament. Currently, the basic legal act dealing with the problem of arms trade and brokering is the Law of 29 November 2000 on international trade in goods, technologies and services of strategic significance for State security and maintenance of international peace and security, and amending selected laws.

5. Article 3, paragraph 8 (a) describes the (arms) trade and services connected therewith as:

- any type of transportation of strategically significant goods across the border of the Republic of Poland, in particular as a result of export, import and transit contract and/or a deed of gift, leasing, loan, cession or contribution in kind to a company.
- agency services, commercial consulting services, contract negotiation assistance services and participation in any way in actions referred to in subparagraph (a), including actions taken outside the territory of the Republic of Poland.

It is worth emphasizing that the above-mentioned provisions not only give a detailed definition of brokering (which allows companies to establish whether their activities are subject to the export control procedures), but also allow for control over Polish brokers operating outside Polish borders.

6. Entrepreneurs involved in brokerage, trade consulting or arrangement of contracts, or participating in any form in activities involving movement of strategic goods, by means of export, import, transit, leasing, donation or apport into a company, are subject to control by the Minister of Economy.

7. Trade in arms as well as the provision of related services requires the acquisition of an individual licence. Individual licences for international trade in strategic goods, technologies and services can be granted to entrepreneurs who can prove the application for at least three years of an internal control programme and management of trade, in compliance with the requirements of international norm ISO 9001.

8. The distinguishing factor of the Polish control system is that before applying for an individual licence an entrepreneur is held responsible for ascertaining that the contract: (a) does not involve circumstances threatening human rights or fundamental freedoms; (b) the delivery will not threaten peace or otherwise undermine stability in the region; (c) the final destination country does not support, facilitate or encourage terrorism or international crime; and (d) the arms will not be used for purposes other than valid security and defence needs of the recipient country.

9. An important instrument for controlling brokers in the international trade in SALWs is the provision that all business partners must be reported to the licensing authority, along with the character of their involvement in a contract. Accordingly, a note must be made regarding all brokers, commercial consultants, persons arranging contracts, shippers, forwarding agents and others. This allows administrative organs to identify all brokers and to execute observance of the laws and rules.

10. It should be underlined that the implementation of the apparently complicated procedures has not excessively encumbered the administration or enterprises. With such experience in hand, Poland cannot accept assertions — also voiced at the United Nations — that the control of brokers would pose a profound logistical problem that could not be rapidly resolved. On the contrary, States should assume full responsibility for controlling their nationals in this area. It is in their interest to control the brokers. Consequently, States should implement appropriate legal instruments and effective administrative procedures to ensure effective control.

11. It should be stressed that proper control of arms brokers requires close international cooperation. Hence, all responsible States should move expeditiously to introduce procedural mechanisms permitting the imposition of such controls. Failure to take such steps cannot be justified by a shortage of material or human resources, because control procedures do not require substantial outlays. The United Nations should play a coordinating and facilitating role.

12. The United Nations can play a crucial role in developing global standards for controlling brokers. At present, the most urgent task is the implementation of the provisions of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime. The provisions of the Protocol concerning minimum standards of control over brokers offer an excellent basis for further work by the international community.

13. Poland feels that use should be made of the findings of the Group of Governmental Experts appointed by the Secretary-General in 2000 to prepare a report on the possibility of restricting SALW manufacturing and trade to manufacturers and dealers authorized by States. The analysis of the problem of arms brokers presented by the Group of Experts should be recognized as the point of departure for further study of the issue by the United Nations. In particular, it should be ascertained whether it would be possible and advisable to introduce a global instrument for legal control of arms brokers. It would also be helpful for the Department for Disarmament Affairs to compile the national practices of all the Member States in controlling brokers. Consideration should also be given to the preparation of a questionnaire on national broker-control practices, brought up to date each year by the Member States.

14. Poland feels that the United Nations should encourage dissemination of the high control standards developed by the Organization for Security and Cooperation in Europe, the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies and the European Union. All global initiatives concerning guidelines on combating illicit SALW trade should incorporate — as a fundamental recommendation — the controlling by States of their nationals in the area of arms brokering.

Rwanda

[Original: English]
[14 May 2003]

1. The United Nations should consider assisting States in implementing and enhancing the capacity to fight the illicit trade in small arms in all its aspects within the framework of this adopted resolution.

2. The United Nations should also consider assisting in setting up national coordinating agencies/national focal points and capacity-building, training and financing of local manpower.

3. The United Nations should play a supervisory role in the harmonization of regional, subregional and international legislation on firearms and ammunition, as well as public awareness and campaigns through regional, subregional and international meetings.

Senegal

[Original: French]
[13 May 2003]

1. First of all, it might be advisable to enhance substantially the capabilities of the services managing small arms in various States, including African States.

2. States might thus be in a position to put in place all the necessary controls, regarding, for example, import certificates, which would be reused several times so as to bypass the various phases in the procedure considered restrictive by importers.

3. It might also be advisable to monitor the activities of certain former army officers who used to be in charge of stockpile management. They might be tempted to switch to illicit brokering if, knowing that stockpiles are to be taken out of service, they could contact both the current managers and the importers in order to bring them together. Sales of such stockpiles would mean large commissions for them, especially as sales could be unregulated.

4. Lastly, it might be advisable to develop international cooperation in the management of small arms, to be reflected in assistance by the developed countries to the developing countries (e.g., technical assistance, training, specialization, etc.).

United Nations A/58/208

General Assembly

Distr.: General
1 August 2003
English
Original: Arabic/English/Russian/
Spanish

Fifty-eighth session
Item 74 (w) of the provisional agenda*
General and complete disarmament

Measures to prevent terrorists from acquiring weapons of mass destruction

Report of the Secretary-General

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I. Introduction

1. In paragraph 2 of its resolution 57/83 of 22 November 2002, entitled "Measures to prevent terrorists from acquiring weapons of mass destruction", the General Assembly urged all Member States to take and strengthen national measures, as appropriate, to prevent terrorists from acquiring weapons of mass destruction, their means of delivery and materials and technologies related to their manufacture and invited them to inform the Secretary-General, on a voluntary basis, of the measures taken in that regard. In paragraph 4 of the same resolution, the Assembly requested the Secretary-General to compile a report on measures already taken by international organizations on issues relating to the linkage between the fight against terrorism and the proliferation of weapons of mass destruction, to seek the views of Member States on additional relevant measures for tackling the global threat posed by terrorists acquiring weapons of mass destruction and to report to the General Assembly at its fifty-eighth session. The present report is submitted in response to that request.

2. By a note verbale dated 5 March 2003, Member States were invited to inform the Secretary-General on the measures taken, as well as to communicate their views on the issue. On 27 March, letters were also dispatched to relevant international organizations, including some bodies and agencies of the United Nations, inviting them to submit contributions for the preparation of the report of the Secretary-General. Replies have been received from Antigua and Barbuda, Australia, Canada, Cuba, Guatemala, Mexico, Pakistan, Qatar and Ukraine, as well as from nine international organizations. Their replies are reproduced in sections II and III, respectively, of the present report. Any replies received subsequently will be issued as addenda to the present report.

3. The attention of Member States is also drawn to the letter dated 6 June 2003 from the Permanent Representative of France to the United Nations addressed to the Secretary-General (A/57/826-S/2003/637), the annex to which contains a statement on securing radioactive sources and an action plan, both adopted by the Group of Eight on 3 June 2003.

4. For its part, the United Nations has remained engaged in matters relating to the dangers of weapons of mass destruction falling into the hands of terrorists. In its report to the General Assembly (A/57/273-S/2002/875), the Policy Working Group on the United Nations and Terrorism, established at the behest of the Secretary-General in October 2001 to identify the longer-term implications and broad policy dimensions of terrorism for the United Nations, addressed, among other issues, possible terrorism threats related to weapons of mass destruction, other weapons and technologies and formulated recommendations on the steps that the United Nations might take to address these threats. The Working Group noted that, given concerns that terrorists may seek access to stockpiles of weapons of mass destruction or related technologies, United Nations activities in the field of disarmament must gain renewed relevance. The Group also noted that, in addition to reinforcing its work in this arena and to enhancing its capacity to assist the Counter-Terrorism Committee, when needed, the Department for Disarmament Affairs should draw public attention to the threat posed by the potential use of weapons of mass destruction in terrorist acts. The report was taken note of by the General Assembly in its resolution 57/83.

II. Replies received from Member States

Antigua and Barbuda

[Original: English]
[3 April 2003]

The twin-island State of Antigua and Barbuda has absolutely no interest or intention of acquiring weapons of mass destruction, their means of delivery or materials and technologies related to their manufacture. Antigua and Barbuda is a peaceful country with no known enemy or enemies, which fosters cooperation and direct peaceful interaction among all States.

Antigua and Barbuda conforms with all of the requests by the United Nations in matters relating to terrorism, but has no expertise on issues relating to the linkage between the fight against terrorism, the proliferation of weapons of mass destruction or anything else referred to in paragraph 4 of resolution 57/83.

Australia

[Original: English]
[2 June 2003]

The international community should remain resolute in its collective determination to strengthen international arrangements to address the serious threat posed by the proliferation of weapons of mass destruction, including their proliferation to terrorists. This will require enhanced cooperation and a recognition of the complementarity of strengthened arms control mechanisms and non-proliferation regimes at the multilateral, plurilateral and bilateral levels. The lack of adequate multilateral architecture in some areas should not constrain national and regional efforts to combat the proliferation of weapons of mass destruction.

Australia actively participates in all five multilateral export control arrangements: the Australia Group, the Nuclear Suppliers Group and the Zangger Committee, the Wassenaar Arrangement and the Missile Technology Control Regime. Australia has a particularly prominent role as chair of the Australia Group — a group of 33 countries and the European Commission that seeks to harmonize national export controls on CBW-relevant dual-use materials and equipment. The Group makes an important contribution to international efforts to combat the proliferation of chemical and biological weapons and the risk of the acquisition of them by terrorists.

At the regional level, we have worked through the Regional Forum of the Association of Southeast Asian Nations (ASEAN) to address these issues, including through the Intersessional Meeting on Counter-terrorism and Transnational Crime. In June, Australia will co-host with Singapore an ASEAN Regional Forum confidence-building measures workshop on managing the consequences of a major terrorist attack.

Australia has contributed a total of some US$ 98,000 to the Nuclear Security Fund established by the International Atomic Energy Agency (IAEA) to combat the threat of nuclear terrorism.

Australia urges all States to remain closely engaged in the full range of international efforts and to keep an open mind to devising more effective ways to address the new security challenges we face.

Canada

[Original: English]
[14 July 2003]

Through the Global Partnership against the Spread of Weapons and Materials of Mass Destruction, launched by the Group of Eight at its Summit in Kananaskis, Canada, in 2002, Canada has committed to work together with its partners in the Group of Eight to eliminate the threat posed by the tens of thousands of nuclear, and chemical weapons, as well as related materials, left over from the Soviet era. On 30 May 2003, Prime Minister Jean Chrétien announced almost 149 million Canadian dollars in projects, as part of Canada's overall commitment of up to $1 billion over the next 10 years towards the Global Partnership. These projects include: almost $32 million to the European Bank for Reconstruction and Development's programme to safely and securely manage spent nuclear fuel from decommissioned submarines in the northern part of the Russian Federation; $30 million to support construction of the chemical weapons destruction site at Shchuch'ye, Kurgan Oblast, Russian Federation; $65 million to the Russian plutonium disposition programme which will dispose of material for thousands of nuclear weapons; $4 million to the International Atomic Energy Agency (IAEA) to strengthen nuclear and radiological security throughout the former Soviet Union; and $18 million to fund projects under the International Science and Technology Center in Moscow to redirect thousands of former weapons scientists into peaceful research activities. Through these projects, Canada is demonstrating strong commitment and active participation in combating terrorism and the proliferation of weapons and materials of mass destruction. Canada led the development of the six principles that were adopted at the 2002 Summit in Kananaskis, which aim to prevent terrorists or those that harbour them from acquiring or developing nuclear, chemical, radiological and biological weapons; missiles and related materials, equipment and technology. Canada calls on all countries to join the Group of Eight in adopting these non-proliferation principles.

Canada ensures that any measures taken to combat terrorism comply with our obligations under international law, in particular international human rights, refugee and humanitarian law. Canada co-sponsored a resolution on this issue at the fifty-ninth session of the United Nations Commission on Human Rights in April 2003.

Cuba

[Original: Spanish]
[28 May 2003]

Cuba's position on the linkage between the fight against terrorism and the proliferation of weapons of mass destruction is based on the same precepts and ethical principles as its position on international terrorism: Cuba unequivocally rejects and condemns all acts, methods and practices of terrorism in all its forms and manifestations, wherever, by whomever and against whomever committed. It also

condemns all acts or actions, irrespective of their promoters or perpetrators, intended to encourage, support, finance or cover up any terrorist act, method or practice.

Cuba considers that all terrorist acts and actions affect the life, health, property and safety of innocent people, violate the sovereignty and territorial integrity of States, jeopardize the functioning and stability of national institutions, cause serious damage to the production infrastructure and economic activity of States and further destabilize the international situation by creating new hotbeds of tension and, on occasion, triggering international conflicts.

Accordingly, Cuba advocates international cooperation that is truly effective in combating this phenomenon, based on a framework of international legitimacy and full respect for the principles of international law and the purposes and principles recognized in the Charter of the United Nations.

Cuba considers that the United Nations, particularly the General Assembly, has a fundamental role to play in preventing and combating international terrorism and that it is the appropriate framework for designing, and developing a comprehensive strategy, without double standards, and promoting genuine international cooperation in combating that scourge.

Cuba is convinced that only a coordinated, integrated and effective response to all forms and manifestations of terrorism, irrespective of its origin, causes and aims, will free present and future generations from the unimaginable consequences of an evil that knows no borders. In this context, Cuba reiterates its commitment and political will to continue participating actively in negotiations with a view to the drafting, under the auspices of the General Assembly, of a comprehensive convention on international terrorism that will help strengthen the existing international legal framework for combating this phenomenon.

In the meantime, as a demonstration of its political will and firm commitment to combat all forms and manifestations of international terrorism, Cuba has signed and ratified the 12 international conventions against terrorism adopted within the framework of the United Nations system, thereby responding to the call by the Secretary-General of the United Nations and becoming the third country in the world to be a State party to all those international instruments.

While humankind's awareness of the threats posed by terrorism has reached unprecedented levels in the past two years, terrorism is in fact a long-standing phenomenon that has plagued a number of countries, Cuba among them, unfortunately. Thousands of Cubans have been the victims of terrorist acts over the past 43 years, organized, financed and tolerated from United States territory. Such terrorist acts have included the use of biological agents to harm human lives and the country's agricultural output.

That is why Cuba values and supports the multilateral measures taken by various international organizations as a contribution to global efforts against terrorism, including terrorism linked to the use of weapons of mass destruction. It is aware of the potential for nuclear material and chemical and biological agents and toxins to be used to commit terrorist acts and hence of the need to take effective measures to counter the risk of their use.

In this context, Cuba supports the initiatives taken within the framework of the International Atomic Energy Agency (IAEA) and the measures taken by the States parties to the Chemical Weapons Convention and the Biological Weapons Convention to prevent nuclear material, chemical and biological agents and toxins from falling into the hands of terrorists and being used to cause unimaginable harm to human life, animals and plants.

At the same time, Cuba is firmly convinced that the only safe and effective way to prevent terrorists from acquiring weapons of mass destruction is to totally eliminate such weapons.

In this connection, while there are specific international legal regimes prohibiting the development and use of chemical weapons and biological weapons, the same is not true, unfortunately, of nuclear weapons. The obstructionist attitude of the major nuclear Power has prevented the Conference on Disarmament from commencing negotiations on a multilateral treaty on nuclear disarmament.

Cuba believes that as long as nuclear weapons and all the related nuclear material used to produce them continue to exist, there will always be a potential risk of the commission of acts of nuclear terrorism.

Cuba wonders how some countries can claim to be committed to combating international terrorism, including nuclear terrorism, when they espouse military doctrines based on the use of nuclear weapons. Consistency in combating international terrorism involves recognizing that the total elimination of nuclear weapons is a fundamental step towards eradicating that scourge effectively. Accordingly, fulfilment of the top disarmament priority established by the international community, namely, nuclear disarmament, must be allowed to proceed.

Furthermore, in addition to calling for the immediate commencement of multilateral negotiations on nuclear disarmament, Cuba will continue to uphold the inalienable right of all the peoples of the world to use nuclear, chemical and biological material, agents, equipment and technology for peaceful purposes and to receive, without discrimination of any kind, transfers of material, agents, equipment and scientific and technological information for such purposes.

In this context, Cuba expresses its concern and condemnation at the imposition by certain States, in most cases for political reasons, of unilateral restrictive measures that make it difficult for other States to use these resources for peaceful purposes and that are contrary to the principles of international law and the Charter of the United Nations.

Cuba is also opposed to selective, discriminatory regimes for the control of such transfers. It believes that concerns about the possible proliferation of weapons of mass destruction must be allayed through universal, comprehensive, non-discriminatory and multilaterally negotiated agreements.

In Cuba, all nuclear, chemical and biological programmes have always been conducted strictly for peaceful purposes, with their benefits used to promote the well-being and socio-economic development of the Cuban people. All such programmes are subject to ongoing strict monitoring by the competent national authorities and to verification by the competent international bodies.

Measures taken in Cuba to ensure the peaceful use of nuclear, chemical and biological material, agents, equipment and technology and to prevent them from being acquired by terrorists include the following.

I. Nuclear sphere

Cuba has been a member of the International Atomic Energy Agency (IAEA) since 1957 and has been a State party to the Convention on the Physical Protection of Nuclear Material since 1998.

On 23 October and 4 November 2002, respectively, Cuba ratified the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) and acceded to the Treaty on the Non-Proliferation of Nuclear Weapons (Non-Proliferation Treaty), despite the fact that the major nuclear Power, the only such Power in the Americas, maintains a policy of hostility towards Cuba that does not rule out the use of force.

As proof of the peaceful nature of its nuclear programme, Cuba has since 1980 concluded partial safeguards agreements with IAEA for each of its nuclear facilities: INFCIRC/281 for the Juraguá nuclear power plant, INFCIRC/298 for the research reactor and INFCIRC/311 for the zero-power reactor. The second of these agreements was cancelled in March 1995 following the announcement of our decision permanently to end the project.

Between 1992 and the present, IAEA has inspected the Cuban facilities subject to partial safeguards agreements annually. Cuba's National Nuclear Safety Centre also inspects those facilities annually. In every case, it has been found that the provisions of those agreements are complied with fully.

In October 1999, Cuba signed the protocol additional to its safeguards agreements, becoming the first and only country with partial safeguards agreements to make a practical contribution to the programme for strengthening safeguards and thus to the prestige of the IAEA verification mechanism.

When Cuba became a State party to the Non-Proliferation Treaty and the Treaty of Tlatelolco, the Cuban authorities began the process of negotiating with IAEA for the conclusion, within the time frames established by both international instruments, of an expanded safeguards agreement with the Agency, as well as the additional protocol strengthening that agreement, pursuant to the obligations assumed by Cuba under article III of the Non-Proliferation Treaty and article 13 of the Treaty of Tlatelolco. To that end, a high-level IAEA delegation visited Cuba on 12 and 13 May 2003. The results of this first exchange can be described as excellent.

Existing domestic legislation

- **Decree-Law No. 207 of 14 February 2000** "On the use of nuclear energy". This decree repeals **Decree-Law No. 56 of 1982**, the first piece of legislation containing basic legal norms for the appropriate use of nuclear energy. It lay the bases for the establishment and current functioning of the National System of Accounting for and Control of Nuclear Material, which takes due account of the importance of safeguards and of the measures and controls deriving therefrom.

The National System is responsible for issuing licences and authorizations to work with nuclear material and for accounting for and control of this type of material. Its inspectors have maximum powers to order an immediate halt to operations involving nuclear material whenever any unauthorized use of such material or any breach of accounting and control regulations has been detected and the management of the facility has not immediately taken the necessary corrective measures. The Decree-Law also provides mechanisms for appealing against any irregularities.

- **Resolution No. 1/96 of the Ministry of Science, Technology and the Environment** establishing the National Nuclear Safety Centre responsible for implementing the National System.
- **Decree No. 208 of 24 May 1996** "On the National System of Accounting for and Control of Nuclear Material", enacting general provisions for the National System.
- **Resolution No. 62/92 of 12 July 1996** establishing "Rules for accounting for and control of nuclear material" and containing norms relating to the National System.

II. Chemical sphere

Cuba signed the Convention for the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction on 13 January 1993 and deposited its instrument of ratification on 29 April 1997.

A. Regulations for national implementation of the Chemical Weapons Convention

- **Agreement No. 3150/97 of the Executive Committee of the Council of Ministers** deciding to ratify the Convention and designating the Ministry of Science, Technology and the Environment (CITMA) as the National Authority under the terms of article VII of the Convention, and adopting minimum provisions essential for its implementation until such time as definitive norms are enacted.
- **Resolution 52 of the National Statistical Office**, adopted on 14 October 1997, amending the nomenclature of the harmonized product classification system to include, in an annex, amendments corresponding to the new groups assigned to chemicals listed in the Chemical Weapons Convention.
- **CITMA Resolution 35/98** creating the executive centre of the National Authority for the Prohibition of Chemical Weapons.
- **Decree-Law No. 202/99** of 24 December 1999 on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction, the highest-ranking domestic legislative provision guaranteeing compliance with Cuba's obligations as a State party to the Chemical Weapons Convention.

The Decree-Law, inter alia:

(i) Confirmed the designation of the Ministry of Science, Technology and the Environment as the National Authority for the Convention and the creation of an executive centre of that Authority;

(ii) Established a National System of Accounting for and Control of Chemicals controlled by the Convention;

(iii) Established regulations for national and international inspections under the Convention;

(iv) Imposed prohibitions on, inter alia, individuals or legal entities in the national territory or under the jurisdiction of the Cuban State.

In the course of 2003, a number of provisions supplementing the Decree-Law have been adopted:

- **CITMA resolution 15/2003** establishing rules for national inspections and arrangements for international inspections;
- **CITMA resolution 32/2003** establishing rules for the implementation of the national system for the control of chemicals covered by the Chemical Weapons Convention, the issuance of licences and permits and the processing of information.

B. Other domestic legislation in the chemical sphere

- **Decree-Law No. 107/88** on the control of industrial explosives, ammunition and explosive or toxic chemicals.
- **Decree-Law No. 154/94** establishing rules for the control of industrial explosives, ammunition and explosive and toxic chemicals.
- **Ministry of Public Health (MINSAP) resolutions Nos. 268/90 and 181/95** prohibiting the entry of certain pesticides and chemicals.
- **Ministry of Transport (MITRANS) and Ministry of the Interior (MININT) resolution No. 1/96** regulating the transport of industrial explosives, ammunition and explosive or toxic chemicals.
- **CITMA resolution No. 159/95** establishing the national register for reporting on toxic chemicals and the reporting and prior consent procedure for industrial chemicals.
- **MINSAP resolution No. 67/96** establishing rules for the control of precursors of basic or essential chemicals.
- **MININT resolution No. 1/98** regulating the use of halogenated substances to extinguish fires.
- **CITMA resolution No. 87/99** establishing requirements for the transport, storage and destruction of hazardous substances.
- **CITMA resolution No. 53/2000** supplementing the lists of hazardous wastes contained in CITMA resolution No. 87/99.
- **MINSAP resolution No. 67/96** establishing rules for the control of precursors of chemical substances.
- Cuba has also adopted updated procedures for the handling of confidential information related to the Organization for the Prohibition of Chemical Weapons (OPCW), which were approved by legislative instruments such as

Decree-Law No. 199 of 25 November 1999 and **CITMA resolution No. 1** of 26 December 2000.

Pursuant to article VII of the Convention, Cuba has duly informed OPCW of these and other legislative and administrative measures taken to implement the Convention.

As part of the measures taken to comply with the Convention, Cuba has been submitting annually, within the established deadlines, declarations on past and future industrial activities. Such declarations are prepared very rigorously, on the basis of a national monitoring system supervised by the National Authority.

In early April 2003, Cuba underwent a routine OPCW inspection of a declared facility. The inspection was conducted in a constructive atmosphere and provided confirmation on the ground that Cuba is implementing the Convention's provisions satisfactorily.

II. Biological sphere

Since 1966, Cuba has been a State party to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare. It also signed the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction in 1972 and ratified it in 1976.

In 1994, Cuba ratified the Convention on Biological Diversity and in September 2002 it became a party to the Cartagena Protocol on Biosafety.

Biosafety activities began in Cuba in 1984 and were institutionalized in 1993. The establishment of the National Biosafety Centre in 1996 ensured that such activities are now carried out on a more organized basis. The Centre is attached to the Ministry of Science, Technology and the Environment (CITMA), the State body responsible under the 1981 Environment Act for proposing and implementing the Cuban State's biosafety policy.

Existing domestic legislation

- **CITMA resolution No. 67/96** establishing the National Biosafety Centre (CNSB) to "organize, direct, execute, supervise and oversee the National Biosafety System and organize, direct and oversee measures to comply with the country's obligations as a party to the relevant international legal instruments". In its capacity as a regulatory body, the Centre drafts legal instruments and technical standards permitting the introduction and expansion of biosafety measures in the country.
- **Decree-Law No. 190 on Biosafety** of 28 January 1999, the highest-ranking domestic law on biosafety and part of the legislation supplementing Act No. 81 on the Environment. It establishes general principles regulating the use in the national territory of biological agents and genetically modified organisms, releases into the environment of biological agents, organisms and fragments thereof with genetic information and action to ensure compliance with the Cuban State's international obligations with regard to biosafety.
- **CITMA resolution No. 42 of 1999**, entitled "Official schedule of biological agents affecting humans, animals and plants", which classifies such agents into

risk groups and provides the basis for determining the safety requirements to be observed in their handling.

- **CITMA resolution No. 8 of 2000** establishing general biosafety rules for facilities handling biological agents and their products, organisms and fragments thereof with genetic information. It includes the necessary principles for organizing biosafety in such facilities.

- **CITMA resolution No. 76 of 2000** establishing rules for the granting of biosafety authorizations, including requirements for the requesting and granting of biosafety licences and permits.

Other rules are being drafted to supplement the existing legislation, including rules for accounting for and control of biological agents.

Within the framework of the Biological Weapons Convention, Cuba has participated regularly since 1992 in the annual exchange of information on confidence-building measures agreed to at the Third Review Conference of the Parties to the Convention. A large number of scientific centres and institutions directly connected with the sphere of biology and biotechnology in Cuba are involved in the preparation and drafting of the information provided by our country.

Moreover, Cuba has always advocated strengthening the Biological Weapons Convention by adopting a legally binding, multilaterally negotiated international instrument. Accordingly, Cuba took an active, constructive part in negotiations within the ad hoc group of States parties to the Biological Weapons Convention on a protocol designed to strengthen the Convention through, inter alia, verification measures.

Unfortunately, when the negotiating process was almost complete, the obstructionist attitude of the United States Government thwarted more than six years of multilateral negotiations and prevented a consensus from being reached on the text of the Protocol. In so doing, the United States Government gave the world a further demonstration of its hegemonic, unilateral policy and showed once again its lack of real commitment to measures to strengthen the international regimes that prohibit weapons of mass destruction and thus to international cooperation in preventing such weapons from falling into the hands of terrorists.

Cuba is prepared to continue taking an active, constructive part in the follow-up mechanism adopted by the States parties at the Fifth Review Conference of the Parties to the Biological Weapons Convention, held in 2002, and, together with the other countries members of the Movement of Non-Aligned Countries, remains firmly convinced that the only truly effective and sustainable way to strengthen the Convention is through multilateral negotiations leading to the conclusion of a legally binding international instrument.

Last, but not least, Cuba has up-to-date legislation on terrorism, adopted by the National Assembly of People's Power on 24 December 2001. Act No. 93 against Terrorist Acts is unequivocal and severe in its condemnation of, inter alia, terrorist acts committed with chemical or biological substances or agents. Article 10 of the Act states that: "Any person who manufactures, facilitates, sells, transports, sends, introduces into the country or has in his possession, in any form or place, arms, ammunition or flammable, asphyxiating or toxic materials, substances or instruments, plastic explosives or any other type or kind of explosives, chemical or

biological agents or any other elements from whose research, design or combination products of the kind described can be derived, or any other similar substance or explosive or lethal device, shall be liable to a term of imprisonment of 10 to 30 years, life imprisonment or the death penalty".

Cuba will remain firmly committed to and will continue to participate actively in all initiatives and measures that, in a context of genuine, legitimate international cooperation based on respect for the principles of the Charter of the United Nations and international law, may be carried out to combat terrorism in all its forms and manifestations, including terrorist acts involving the possible use of weapons of mass destruction.

Guatemala

[Original: Spanish]
[24 April 2003]

The State of Guatemala does not manufacture, develop or possess and has not supplied, sold or transferred to any terrorist or terrorist organization weapons of mass destruction, their means of delivery and other directly or indirectly related materials. Every transaction for the sale of arms, ammunition and other related materials is checked against the list of international terrorist organizations issued by the United Nations Security Council.

Domestic legislation

Guatemala's relevant domestic legislation is Legislative Decree No. 39-89, the Arms and Ammunition Act, which defines a number of offences punishable by imprisonment plus financial penalties. It also provides that the functions of the Department of Arms and Ammunition Control (DECAM), a unit of the Ministry of National Defence, include authorizing, registering and controlling the import, manufacture, sale, donation, export, storage, removal from storage, transport and bearing of arms and ammunition. Offensive weapons and vehicles, equipment, materiel and spare parts are purchased from foreign companies or armies, through the Ministry of National Defence, for the exclusive use of the Guatemalan armed forces.

In this context, the Arms and Ammunition Act contains general and specific prohibitions on the manufacture, import, export, possession and bearing of offensive firearms, offensive bladed weapons, explosives, chemical weapons, biological weapons, nuclear weapons, mines, experimental weapons, sound reducers, suppressers or silencers and the appropriate ammunition to be used with them, devices for firing a hidden weapon, such as attaché cases, pencil cases, books and the like, ammunition for exclusively military use and ammunition that has been altered or poisoned with natural chemical products.

Article 93 of the Act criminalizes illegal possession and stockpiling of offensive firearms, explosives, chemical, biological and nuclear weapons, mines and experimental weapons.

International legislation

- Convention on the Physical Protection of Nuclear Material;
- Convention on the Marking of Plastic Explosives for the Purpose of Detection;
- International Convention for the Suppression of Terrorist Bombings;
- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction;
- Treaty on the Non-Proliferation of Nuclear Weapons;
- Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials.

To implement the above instruments, it is necessary to enact legislation containing standard definitions of offences that criminalize the use of arms, ammunition and explosives by any person who, for the purpose of causing terrorism, manufactures, imports, exports, acquires, sells, delivers, transports and/or transfers, bears, conceals, stockpiles, uses or attempts to use light arms, conventional weapons, explosives, chlorates, nitrates, ammunition, gunpowder or the like; develops and/or produces, transfers, acquires, keeps or possesses biological, chemical and/or nuclear weapons, equipment, means of delivery, toxins, biological agents, launching equipment and other related materials; or provides technical and practical assistance to countries that assist or support terrorist activities and to individuals and legal entities that carry out such activities.

With regard to the control of chemical and biological agents, the Ministry of Public Health and Social Welfare is to be responsible for supervising and controlling biological agents, vectors and chemicals, while the Ministry of Energy and Mines will be responsible for establishing and maintaining supervision and control of nuclear and radiological agents that could be used for terrorist purposes.

Mexico

[Original: Spanish]
[13 May 2003]

Mexico has taken part in United Nations efforts against terrorism and supports the international community's efforts fully to implement Security Council resolution 1373 (2001).

Mexico has submitted two reports to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism, on 21 December 2001 and 15 July 2002, describing the measures it has taken to combat terrorism, including measures to prevent terrorists from acquiring weapons of mass destruction, their means of delivery and materials and technologies related to their manufacture.

Mexico shares the international community's concern at the growing risk of linkages between acts of terrorism and the use of weapons of mass destruction, in particular the growing threat that terrorist groups might have access to such weapons.

Mexico has also pointed out that progress in the area of disarmament and non-proliferation is itself a positive contribution to global efforts against terrorism.

Pakistan

[Original: English]
[12 June 2003]

1. Consistent with its policy of restraint and responsibility in nuclear matters and its role as a leading country in the fight against terrorism, Pakistan supports the objectives of resolution 57/83. Pakistan shares the view that the international security system should be strengthened to ensure those materials and technologies relevant to weapons of mass destruction do not become available to criminals and terrorists.

2. First and foremost the issue requires clear definitions of the problem and an objective and apolitical approach. The nature and complexity of the issue warrants a multi-pronged response.

3. The surest way to eliminate this threat is the complete elimination of all weapons of mass destruction, including nuclear weapons. Based on the fundamental principles enshrined in the Charter of the United Nations, especially the principle of equal security for all States, there is a need to promote negotiations for nuclear disarmament. At the Conference on Disarmament, the Group of Twenty-one has presented proposals envisaging a step by step approach to reducing nuclear dangers and leading to multilateral negotiations for nuclear disarmament (see CD/1463).

4. Pakistan believes that while it is important to combat the symptoms and manifestations of terrorist acts, equal determination by all States is also required to address the underlying causes of terrorism, which stem from suppression, injustice and deprivation. Bold initiatives from States Members of the United Nations in dealing with causes of the menace of terrorism would constitute a significant pre-emptive step in preventing the emergence of terrorists and their efforts to acquire weapons of mass destruction.

5. One of the most significant initiatives that Member States can take in this regard is to undertake urgent and meaningful efforts to resolve long-standing disputes, especially in regions simmering with tensions such as South Asia and the Middle East, peacefully and in accordance with the Charter.

6. As part of its commitment to fight terrorism in all its forms and manifestations, Pakistan has taken a number of far-reaching steps. In accordance with Security Council resolutions, Pakistan has put in place legal and administrative mechanisms to effectively halt financial and other support to terrorist organizations and groups. Pakistan has signed or ratified 11 out of 12 anti-terrorism instruments.

7. It is important for the Member States to take cognizance of the fact that chemical and biological weapons could pose a more immediate threat. It is argued that through easy access and availability of precursors, agents and relatively simple processes involved, including their transportation, terrorists can readily produce such weapons. However, an objective analysis of this issue would indicate that several formidable technical hurdles would need to be overcome in order to produce workable weapons of mass destruction. The unsuccessful use of Sarin in a subway in Japan in 1995 illustrates this point. This is not to suggest that the threat does not exist.

8. Such challenges can be addressed effectively through faithful compliance, early destruction of stockpiles by possessor States and by strengthening both Chemical and Biological Weapons Convention, through mechanisms provided within these treaties.

9. Pakistan, as a signatory to both the Chemical and Biological Weapons Convention, has put in place stringent export control measures as part of its commitment to strictly adhere to both these Conventions. Pakistan's commitment that it would not export any sensitive technologies or materials to third countries remains unquestionable. Its record in this regard is impeccable.

10. As a nuclear-weapon State, Pakistan is fully alive to its responsibilities. Its nuclear facilities and assets are State-owned and under a fail-safe export control regime. It has devoted all necessary resources and taken administrative measures in this regard.

11. Although Pakistan is not a party to the Treaty on the Non-Proliferation of Nuclear Weapons, it is fully committed to the goals of nuclear non-proliferation and disarmament. Pakistan's nuclear assets are under a strict physical protection regime, elaborate custodial controls and a comprehensive command and control structure. Such a rigorous security and monitoring system rules out any danger of transfers of sensitive materials, equipment, technology or information.

12. Pakistan is a party to the Convention on the Physical Protection of Nuclear Material. It has participated actively and constructively in the negotiations for broadening the scope of the Convention.

13. Unlike the Chemical Weapons Convention, the Biological and Toxin Weapons Convention has no elaborate implementation mechanism. Negotiations for a Protocol to the Convention should be allowed to resume and conclude. As for the voluntary-based mechanism decided upon at the Fifth Review Conference of the States Parties to the Convention, it should help enhance common understanding on a variety of aspects relating to bio-terrorism. It cannot, however, be a substitute for a legally binding Protocol.

14. Although radiological dispersal weapons are not considered to be weapons of mass destruction as such, their use by terrorists can lead to serious consequences. Discussions on the issue and the possibility of attacks on nuclear facilities can be useful. The IAEA Code of Conduct on the Safety and Security of Radioactive Sources and its other relevant programmes provide a helpful framework within which to address this challenge. The foremost priority in this regard is to step up efforts towards securing and managing the so-called "orphaned radioactive sources".

15. The IAEA's technical cooperation programme should be strengthened. States that require such assistance should be able to voluntarily seek it. The process of making available adequate funds needs to be expedited.

Qatar

[Original: Arabic]
[3 June 2003]

In the context of preventing terrorists from acquiring weapons of mass destruction, their means of delivery and materials and technologies related to their

manufacture, we inform you that such weapons are not produced or stockpiled in the State of Qatar, which has no experience in this area.

Law No. 14 of 1999 on weapons, munitions and explosives contains articles providing as follows:

Punishment shall be imposed on any person who uses, or attempts to use, explosives with the intention of killing one or more persons, causing alarm, destroying buildings, State-owned facilities, public institutions or organizations, companies partly owned by the State, public benefit organizations, or other institutions, buildings, factories, houses of worship, places equipped for public meetings or any place of public resort, any place in which members of the public happen to assemble, even if such place is not equipped for that purpose, or any place that is inhabited or equipped for habitation.

The law also provides for the punishment of any person using or attempting to use explosives in a manner such as to endanger human life or property.

A term of imprisonment of between 7 and 14 years shall be imposed on any person who obtains, possesses, manufactures, solicits, imports, transports, or trades in explosives, or attempts to do so, prior to obtaining a permit for that purpose from the licensing authority. If the purpose of such action is to commit a crime involving the use of explosives, or to enable another person to do so, a term of imprisonment of between 10 and 20 years shall be imposed.

A term of imprisonment of between 10 and 20 years shall also be imposed on any person who trains or instructs, or attempts to train or instruct, one or more persons to manufacture explosives or to use them for an unlawful purpose.

The same penalties shall be imposed on any person receiving such training or instruction, or attempting to do so, while being aware of the purpose thereof.

In that connection, the State of Qatar urges the implementation of the Security Council resolutions aimed at eliminating all weapons of mass destruction from the Middle East region, particularly resolutions 487 (1981) and 687 (1991).

Ukraine

[Original: Russian]
[28 May 2003]

Ukraine has adopted a number of legislative acts, the provisions of which are aimed at strengthening measures for the physical protection of nuclear facilities and materials, radioactive waste and sources of ionizing radiation. Work is continuing on the development of additional normative documents in this area.

In the context of efforts to prevent the proliferation of weapons of mass destruction and materials that may be used for terrorist ends, Ukraine is fulfilling in the proper manner its obligations under the International Atomic Energy Agency (IAEA) Safeguards Agreement adopted in September 1995. In accordance with this Agreement, Ukraine has established a national system of accounting for and control of nuclear material; in implementing the system, a set of requirements has been developed with respect to the conduct by national enterprises of activities involving nuclear material.

In order to monitor the observance of the IAEA Safeguards Agreement and hold consultations on issues that may arise in the course of the implementation of the safeguards, two working groups were established in 2001 in conjunction with IAEA to review the process of applying the safeguards in Ukraine.

Within the framework of its support for the Agency's efforts to increase the effectiveness of the safeguards system and strengthen the mechanisms for identifying undeclared nuclear material and activities, in August 2000 Ukraine signed the Protocol Additional to the IAEA Safeguards Agreement. Preparatory work is currently being undertaken with a view to its ratification.

Ukraine actively supports the IAEA Action Plan to combat nuclear terrorism; in this context, it is planned to implement a project to equip Ukraine's border crossing points with stationary means for radiation monitoring.

Ukraine is participating actively in the process of revising and improving the Convention on the Physical Protection of Nuclear Material. In 1997, Ukraine joined the IAEA programme for collecting and sharing information on incidents of illicit trafficking in nuclear materials and radioactive sources. The national regulatory body for nuclear activities ensures the sharing of information on relevant issues with the Agency's database.

The following measures could be important in the context of reducing the global threat posed by terrorists acquiring weapons of mass destruction:

- Dissemination of the requirements for a system of accounting for and control of highly active radioactive substances;
- Provision by developed countries of assistance in establishing and enhancing regulatory frameworks for nuclear activities to those States that do not have appropriate experience;
- Sharing by developed countries of experience on issues relating to the further development of national systems of physical protection, accounting for and control of nuclear material.

III. Replies received from international organizations

African Union

[Original: English]
[12 June 2003]

Introduction

1. This report presents a summary of the activities undertaken by the African Union to prevent and eliminate the scourge of terrorism, in particular as it relates to the prevention of terrorists from acquiring weapons of mass destruction. It should be noted at the outset that no specific legislation has been taken in Africa at the continental level to directly address the growing risks of linkages between terrorism and weapons of mass destruction. However, ongoing efforts by the African Union to finalize an additional protocol to the Convention on the Prevention and Combating of Terrorism, adopted by the Assembly of Heads of State and Government of the

Organization of African Unity (OAU) at its thirty-fifth ordinary session in Algiers in 1999, have envisaged specific provisions to address the linkages between terrorism and weapons of mass destruction, particularly chemical, biological and nuclear weapons or explosives.

II. Existing relevant instruments

A. The 1999 Algiers Convention on the Prevention and Combating of Terrorism

2. The Convention on the Prevention and Combating of Terrorism in Africa came into force on 6 December 2002. The Convention does not make specific reference to weapons of mass destruction, but contains generic provisions that seek to prevent terrorists from acquiring any material or psychological support necessary for organizing and carrying out terrorist activities. In the preamble, Member States expressed their awareness of the growing link between terrorism and organized crime, including the illicit trafficking in arms. In an attempt to deprive terrorists of the means of committing and participating in terrorist activities, the Convention, inter alia, provides for the following:

(a) In article 4 (1) of the Convention, States Parties undertake to cooperate and refrain, inter alia, from providing havens for terrorists, directly or indirectly, including the provision of weapons and their stockpiling in their countries;

(b) In article 4 (2) (b), Member States undertake to develop and strengthen methods of monitoring and detecting plans or activities aimed at the illegal cross-border transportation, importation, export, stockpiling and use of arms, ammunition and explosives and other materials and means of committing terrorist acts;

(c) In article 5 (1) (a), Member States undertake to strengthen the exchange of information on terrorist groups, their leaders and elements, including their means and sources of funding and acquisition of arms, the types of arms, ammunition and explosives used;

(d) In article 5 (2) (b), Member States undertake to seize and confiscate any type of arms, ammunition, explosives, devices or funds or other instrumentalities of crime used to commit terrorist acts or intended for that purpose.

B. The Plan of Action for the Prevention and Combating of Terrorism of the African Union

3. The Plan of Action adopted by the African Union intergovernmental high-level meeting held from 11 to 14 September 2002 provides for concrete measures to be taken at the national, regional and continental levels against the scourge of terrorism. In the preamble, the Plan calls for joint action to be taken, inter alia, in developing and strengthening border control points and combating the illicit import, export and stockpiling of arms, ammunition and explosives, in order to curb access by terrorist networks to Africa.

4. In paragraph 10 (d) of the Plan of Action, reference is made to the intimate relationship between terrorism and related scourges such as drug trafficking, illicit proliferation and trafficking of small arms and light weapons. In paragraph 14 (a) (i), the Plan also calls for the need to enhance information exchange and intelligence on the activities and criminal acts of terrorist groups, including the weapons, types of arms, ammunitions and explosives used.

C. The African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba)

5. African countries have long expressed concern over the danger posed by nuclear weapons. As far back as 1964, OAU, meeting at its first ordinary session in Cairo, adopted resolution AHG/Res.11 (I), in which African leaders expressed their willingness to conclude an agreement to ban the manufacture, testing, proliferation or stockpiling of nuclear weapons in Africa. That initiative was given impetus by successive sessions of the Council of Ministers, which adopted resolutions CM/Res.1342 (LIV) and CM/Res.1395 (LVI) of 1991 and 1992, respectively, affirming that the time was right to give concrete expression to the Cairo resolution, which called for the establishment of a nuclear-weapon-free zone in Africa. All these culminated in the adoption, in 1998, in Pelindaba, South Africa, of the African Nuclear-Weapon-Free Zone Treaty.

6. To protect African countries from any possible nuclear attacks on their territories, the Treaty of Pelindaba prohibits research, manufacture, stockpiling, proliferation, acquisition or possession of any nuclear explosive device by African States. Though the Treaty does not specifically address the question of access to nuclear weapons by terrorists, it nonetheless, generally outlaws nuclear weapons and other radioactive devices on the continent, which, if strictly implemented, would bar terrorists from having access to such weapons throughout Africa.

III. Conclusion

7. With regard to chemical and biological weapons, African countries have adhered to the United Nations conventions on chemical and biological weapons and General Assembly resolution 57/82 on the implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction. In July 2002, at its first Assembly of Heads of State and Government, held in Durban, South Africa, the African Union adopted resolution AHG/Dec. 181 (XXXVIII) on the implementation and universality of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction. In that decision, the Assembly, inter alia, welcomed the recommendation for an effective implementation of the Chemical Weapons Convention in Africa. Although no direct link has been established between the Assembly's decision and the fight against terrorism, the effective implementation of these instruments could help to prevent terrorists and other criminal groups from acquiring weapons of mass destruction.

Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean

[Original: English]
[20 May 2003]

Resolution 419, "Illicit trafficking of nuclear materials" was adopted by the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) at Panama, 30 November 2001. The resolution expressed concern over the possibility of nuclear material reaching the hands of terrorist groups; invited Member States to cooperate on an international basis to enhance the universal regime for the physical protection of nuclear material and to adopt measures to prevent and impede the illicit trafficking of nuclear material for terrorist actions and other non-peaceful uses.

Resolution CG/Res.419
Illicit trafficking of nuclear materials

The General Conference,

Reiterating its commitment with the principles which gave rise and enforced the Treaty of Tlatelolco, particularly due to the conviction of Latin America and the Caribbean that the nuclear materials and facilities submitted to their jurisdiction, be used in this region solely for peaceful purposes;

Convinced that the illicit trafficking of nuclear materials endangers international peace and security;

Bearing in mind resolution CG(45)/RES/14 of 21 September 2001, adopted at the XLV General Conference of the International Atomic Energy Agency regarding the measures against illicit trafficking in nuclear materials and other radioactive materials;

Considering the convenience of strengthening the universal regime for the protection of nuclear materials;

Recognizing the importance of resolution 1373 (2001) of the Security Council of the United Nations Organization, which in its resolutive paragraph 4 "Notes with concern the close connection between international terrorism and the illicit movement of nuclear materials, and emphasizes the need to promote coordination of efforts on national, subregional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security",

Resolves:

1. **To express** its increased concern for the possibility of the nuclear material to reach the hands of terrorist groups.

2. **To invite** the Member States of OPANAL to cooperate on an international basis to enhance the universal regime for the physical protection of nuclear material.

3. **To make a call** to the Members of OPANAL to adopt measures to prevent and impede the illicit trafficking of nuclear material for terrorist actions and other non-peaceful uses, and to increase security at the nuclear facilities and of materials used for such purpose.

Association of Southeast Asian Nations[1]

[Original: English]
[3 June 2003]

The Association of Southeast Asian Nations (ASEAN) has adopted the work programme to Implement the ASEAN Plan of Action to Combat Transnational Crime in May 2002. The work programme contains a component on terrorism, which lays down the measures and initiatives that ASEAN Member Countries will take to combat terrorism. One of the initiatives relates to bioterrorism, a form of weapon of mass destruction. Under the specific measure, ASEAN will convene specialized workshops, seminars and training courses for ASEAN law enforcement officials on bioterrorism. ASEAN will also compile a list of national research institutions with the capabilities to carry out chemical analysis of biological agents and toxins.

In addition, ASEAN is looking at addressing the threat of bioterrorism in terms of institutional capacity-building and the necessary legal framework.

ASEAN would welcome the cooperation of the international community in its regional efforts in combating this threat of terrorism and weapons of mass destruction.

International Atomic Energy Agency

[Original: English]
[8 July 2003]

Nuclear security

Progress on implementing the IAEA plan of action for protection against nuclear terrorism

Introduction

The possibility of nuclear terrorism has been an area of heightened focus for the International Atomic Energy Agency (IAEA) in the past couple of years. The potential for the acquisition of a nuclear-weapon by sub-State groups has previously received extensive consideration, but the terrorist attacks of September 2001 brought a new focus to the potential threat of nuclear and radiological terrorism — not least because of the evident sophistication in the coordination of the attacks and the willingness of the terrorists to perish in the execution of their actions.

[1] The following documents were attached to the reply received from the Association of Southeast Asian Nations (ASEAN): ASEAN Efforts to counter terrorism, ASEAN Secretariat Information Paper (rev.1); 2001 ASEAN Declaration on Joint Action to Counter Terrorism; Declaration on Terrorism by the 8th ASEAN Summit; Joint Declaration of ASEAN and China on Cooperation in the Field of Non-Traditional Security Issues, 6th ASEAN Summit; ASEAN Regional Forum Statement on Measures Against Terrorist Financing; ASEAN-United States of America Joint Declaration for Cooperation to Combat International Terrorism; and fourteenth ASEAN-EU Ministerial Meeting Joint Declaration on Cooperation to Combat Terrorism. These documents are available for consultation at the Department for Disarmament Affairs.

In the wake of 11 September 2001, IAEA moved rapidly to conduct a thorough review of intra-Agency programmes related to the prevention of acts of nuclear and radiological terrorism and to compile a comprehensive plan for upgrading nuclear security worldwide. The IAEA plan of action for protection against nuclear terrorism adopted in principle by the Agency's Board of Governors in March 2002 is now being implemented. The plan covers eight areas of activity.

1. Physical protection of nuclear material and nuclear facilities;
2. Detection of malicious activities (such as illicit trafficking) involving nuclear and other radioactive materials;
3. Strengthening of State systems for nuclear material accountancy and control;
4. Security of radioactive sources;
5. Assessment of safety and security related vulnerabilities at nuclear facilities;
6. Response to malicious acts or threats thereof;
7. Adherence to international agreements and guidelines; and
8. Coordination and information management for nuclear security related matters.

The progress achieved in implementing the activities described above is summarized below.

Activity areas

I. Physical protection of nuclear material and nuclear facilities

V. Assessment of safety/security related vulnerability of nuclear facilities

Objectives and goals: To further enhance the capacity of Member States to protect nuclear facilities and nuclear material in use, storage or transport against nuclear terrorism. The objective is also to strengthen the capability of Member States to assess the vulnerability of their nuclear facilities to possible malicious acts. This is achieved by providing, on request assessment services, together with associated advice and follow-up actions to improve security arrangements at specific locations by the development of the appropriate methodologies, the provision of training and through other supporting activities such as the development of guidelines and recommendations.

Progress made in achieving the objectives and goals

1. The Agency's International Physical Protection Advisory Service (IPPAS) missions continue to provide advice to States to help them to strengthen the effectiveness of their physical protection systems. The Agency is currently preparing seven IPPAS missions and others are at an early consultative stage.

2. The Agency is in the process of updating its IPPAS Guidelines to incorporate a modular approach, with modules for nuclear power plants, research and fuel cycle facilities and for other radioactive materials, including for vulnerable radioactive

sources in use, storage and transport. Protection and security methodologies for nuclear materials, facilities and transports is being utilized in considering protection and security arrangements for vulnerable radioactive sources and other radioactive materials.

3. In developing measures to reduce the vulnerability of nuclear facilities to terrorist attack, there is a strong synergy between safety and security. The Agency's approach recognizes that physical protection includes, as essential elements, safety-engineering measures for physical protection. The "Guidelines for the self-assessment of safety and security vulnerabilities of nuclear installations", expected to be completed by June 2003, will integrate safety and security issues related to sabotage of a nuclear installation. Closely associated with the work on protecting vulnerabilities of nuclear installations in relation to sabotage is the work on methodology for identifying "vital areas" of nuclear installations. A draft technical document on the methodology and the related training material has been developed, reviewed and accepted by Member States security and safety experts.

4. Member States have requested guidance on how to initiate and establish security arrangements at nuclear installations. Work has started on producing guidance for the development of requests for, and evaluation of, bids for the construction of physical protection systems. Work is also under way on the development of guidance that can be used for the analysis and protection against "insider threats".

5. A Design Basis Threat (DBT) methodology, developed by the State, provides an essential foundation for the State system of physical protection. A team of experts from Member States has completed a review of the DBT methodology, the curriculum used at the DBT workshops and the DBT Life Cycle. The methodology has been documented in the draft "Guidance for the development and maintenance of a design basis threat", which will be ready for distribution to Member States, upon request, in June 2003. DBT workshops involve sensitive information so the material used in these events is treated as "confidential".

6. Physical protection expertise, derived from long experience in protecting nuclear material, is relevant to threat-based evaluation of the measures required to protect other radioactive materials and facilities from terrorist theft and attack. The DBT methodology is applicable to other radioactive materials, including sources.

7. The Agency is implementing an extensive programme of physical protection related training, workshops and seminars directed at international, regional and national audiences.

8. A field-type training course "Practical Application of Physical Protection" was conducted at a training centre in the Russian Federation where established in-field training facilities have been made available for the training of operators of nuclear installations of Russian origin and design. Efforts are under way to further upgrade this centre, to enable training on how to test the design of physical protection systems, including alarm, detection and delay. Thereafter, training will be offered to a larger group of States.

9. A meeting with the directors of the nuclear power plants in the Russian Federation was convened to discuss security culture at Russian nuclear power plants. The implementation of a security culture will be discussed at a meeting in 2003 at which experiences gained in the Russian Federation and in other States will

be shared with a view of identifying a common basis for a generally applied security culture.

10. A pilot regional course on the "Security of nuclear installations" has been held to specifically deal with security aspects of "mixed facilities" in which research reactors and laboratories are operated and radioactive sources are produced.

II. Detection of malicious activities involving nuclear and other radioactive materials

Objectives and goals: To ensure that effective measures are in place to detect and interdict incidents of theft, illicit possession and illicit nuclear trafficking. This is achieved, for example, by providing, on request, assessment services, training and technical support, and by coordinating the development by Member States of up-to-date detection instrumentation.

Progress made in achieving the objectives and goals

11. Evaluation missions to assess present capabilities at borders to detect and respond to illicit nuclear trafficking have been conducted in several countries. Expert teams worked with the host country counterparts to identify the needs for improved detection capability at borders and to identify the assistance needed to establish and sustain an improved capability.

12. In response to requests for assistance, the Agency performed incident response missions to assist with characterization of radioactive materials seized in illicit trafficking.

13. Given the expanding awareness of the need to combat illicit trafficking, the Agency held a workshop on nuclear security related topics for personnel involved in law enforcement, regulatory activities, customs and commercial operators in November 2002.

14. States in Africa have also noted that illicit nuclear trafficking is an increasing problem for them and expressed a wish to enhance their capacity to deal with the problem. A tentative work plan includes a regional awareness seminar to combat illicit trafficking and nuclear security evaluation missions to five States that have requested such assistance. The seminar will provide the foundations for determining subsequent nuclear security assistance.

15. In February 2003, a pilot regional course "Response to Nuclear Terrorism and Incidents Involving the Illicit Trafficking of Radioactive Materials" was held. It focused on responding to terrorist acts, including related aspects of illicit trafficking in nuclear and radioactive materials, and included a demonstration of the host country's arrangements for emergency response to such acts.

16. To respond to the need for training staff of national authorities, law enforcement agencies and the relevant scientific community in combating illicit nuclear trafficking, the Agency has developed a training strategy. Three specific training categories have been identified: (a) regional awareness seminars to combat illicit trafficking; (b) regional focused training on methodologies and practices to detect radioactive materials in illicit trafficking; and (c) specific training in using detection equipment provided as support.

17. An "Interregional seminar on emerging issues for nuclear security" was held in the United States of America in October 2002, and an "International Seminar on Nuclear Security" for participants from all interested States will be held in the United States of America in October 2003.

18. Coordinated research project on "Improvement of technical measures to detect and respond to illicit trafficking of nuclear material and other radioactive materials" continues to make progress.

19. Laboratory facilities have been established in the Agency to provide some technical support related to detection and response to illicit trafficking.

20. Efforts continue to provide guidelines and recommendations to the law enforcement community. A "Handbook on Illicit Trafficking" and a technical document (TECDOC) on radioactive materials typically involved in illicit trafficking are nearing completion.

III. State systems for nuclear material accountancy and control

Objectives and goals: To ensure that all nuclear material in Member States is properly accounted for at all times. This is achieved, for example, by providing assessment services, by coordinating technical support programmes provided by Member States for example with respect to equipment upgrades and by providing guidance on technical capabilities necessary for performing measurements and analysis, the technical and administrative systems to ensure recording and record-keeping and by providing training to SSAC and facility personnel.

Progress made in achieving the objectives and goals

21. Effective systems for nuclear material control and accountancy are essential for maintaining the security of nuclear material and combating illicit trafficking. While an effective SSAC is an essential element for the implementation of a State's safeguards agreement, nuclear material control and accountancy also underpin physical protection and export control. During the past year, safeguards-related training courses, workshops and seminars available to Member States were upgraded and expanded.

22. Using a methodology distributed to several States, the majority of the recipients have carried out self-assessments of their SSACs. The Agency has assisted by completing an evaluation of their responses. The results of these evaluations provide the basis for Agency assistance to enhance SSACs. This process will continue for other States.

23. Nine SSAC-related training events were conducted for Member States in 2002. These included three international courses on State Systems of Accounting for and Control of Nuclear Material (SSACs); a regional training course on IAEA safeguards; three workshops on familiarization with Agency safeguards; and two workshops on nuclear material accountancy and reporting.

IV. Security of radioactive material other than nuclear material

Objectives and goals: To improve national security measures with respect to radioactive material other than nuclear material and to ensure that significant, uncontrolled radioactive sources are brought under regulatory control and properly

secured. This is achieved by providing advisory services and assistance to Member States in their efforts to identify, locate and secure or dispose of orphan sources as well as through the preparation of guidelines and recommendations.

Progress made in achieving the objectives and goals

24. Work under this activity can be broadly grouped into two areas: **retrospective** — remediation of the existing situation with regard to orphan or vulnerable radioactive sources; and **prospective** — efforts to prevent further sources becoming orphaned or vulnerable.

Retrospective

25. The focus of retrospective efforts is on the development of national strategies for regaining control over radioactive sources. Four pilot assessment missions for this purpose have been completed.

26. The draft technical document on development of national strategies takes into account the lessons learned from these missions. Four regional workshops and 10 national missions are planned using teams comprised of experts from Member States and Agency staff.

27. The United States, the Russian Federation and the Agency have formally launched the "Tripartite Initiative on Securing and Managing Radioactive Sources". The Tripartite Initiative is focused on securing vulnerable, high-activity radioactive sources within the former Soviet Union. To determine the actions needed in a specific State, assessment missions have been performed and have resulted in improved security for some sources in certain countries. Other such missions are being planned.

Prospective

28. One major focus of preventive efforts is on the development of a possible international undertaking based on the "Code of Conduct for the Safety and Security of Radioactive Sources". A draft of the revised Code of Conduct was discussed with Member States at a meeting in March 2003. The draft has now been distributed to Member States for comments by 1 June 2003. A meeting to review and incorporate comments on the Code of Conduct will be held in July 2003 with a view to finalizing the revisions in time for the Board of Governors meeting in September 2003.

29. Measures to improve both safety and security will be based on a "Categorization of Radioactive Sources". A revision of "Categorization of Radioactive Sources, TECDOC-1344" has been made with the help of Member States experts and a final draft has been distributed to all Member States for comments. The categorization will be the basis of much future guidance with regard to safety and security of radioactive sources. Additional criteria may be applied, however, to identify the small fraction of radioactive sources that may be particularly vulnerable for potential terrorist acts that would aim at dispersing radioactivity to the general public, to cause damage to the environment or property. Such sources may require additional physical security to protect them from such use.

30. A second major focus of the preventive work is the development of guidance on the "Security of Radioactive Sources". An interim document has been completed

and will be published shortly. A meeting of representatives from the major manufacturing and distributing countries was held in Vienna in late April 2003 to address issues related to design of sources, validation of legal purchases and return of sources as well as consideration of export controls.

31. A major international conference on the "Security of Radioactive Sources" was held in Vienna in March 2003. The findings of this conference were based on a recognition of the need to strengthen safety and security of radioactive sources and included proposals to identify, search for, recover and secure high-risk radioactive sources; strengthening long-term control over radioactive sources; interdicting illicit trafficking and improving the planning of the response to radiological emergencies arising from the malevolent use of radioactive sources. The findings from this conference will be incorporated into a revised Action Plan for the Safety and Security of Radiation Sources.

V. Assessment of safety/security related vulnerability of nuclear facilities

32. See Activity Area 1, above.

VI. Response to malicious acts, or threats thereof

Objectives and goals: To ensure that States and the Agency are able to respond effectively to the radiological aspects of acts of nuclear terrorism involving nuclear and other radioactive materials. This is achieved, for example, by strengthening the radiological emergency response of States through training and technical support, the development of guidelines and recommendations, and the enhancement of the Agency's own arrangements to respond to radiological emergencies.

Progress made in achieving the objectives and goals

33. The document "Preparedness and Response for a Nuclear or Radiological Emergency", containing requirements for preparing for and responding to nuclear or radiological emergencies involving malicious acts, was published in November 2002. The Agency has published the methodology for developing emergency preparedness and response arrangements for nuclear or radiological emergencies that in part addresses arrangements for responding to emergencies resulting from malicious acts.

34. The Agency has intensified its effort to strengthen emergency response measures in States. As part of the ongoing training programme in emergency response measures, 10 regional train-the-trainer courses and two national workshops were conducted on various aspects of emergency preparedness and response, including response to radiological emergencies, medical preparedness and response, emergency monitoring and technical assessment of emergencies at reactor facilities. Some of these courses were augmented with interim training material specifically addressing preparedness for emergencies resulting from malicious acts.

35. A draft technical document has been developed on "Preparedness and Response for Malevolent Acts Involving Radioactive Material". The purpose of the document is to present a background, planning methodology and, where appropriate, tools to assist the community of national authorities involved in making arrangements for response to such emergencies. The document provides a background to the subject with clear references to existing Agency documents for

more detailed information, introduces material that describes differences in planning and response for nuclear and radiological emergencies resulting from malicious attacks, or imminent threats thereof, from planning and response for accidents. The document will be used as a basis for revising existing emergency response preparedness and response manuals, their associated training material and appraisal methodologies to better address the specific issue of the response to nuclear or radiological emergencies arising from malicious activities. Interim training material based on the draft document will be piloted in workshops later in 2003.

36. The Agency has commenced the strengthening of its own emergency response arrangements. However, these have been delayed owing to additional activities placed on the emergency response system resulting from discovery of dangerous orphan sources in Georgia. A tabletop study was performed with the aim of identifying gaps in the Agency's current response system that need strengthening in order to respond adequately to new scenarios that might require an Agency response. The issues have been reflected in the latest edition of the Joint Radiation Emergency Plan of the International Organizations, the Emergency Notification and Assistance Technical Operations Manual (ENATOM) and the Nuclear and Radiological Emergency Assistance Plan (NAREAP). The Agency has established rudimentary interim arrangements for in-house response to malicious events causing radiological emergencies.

37. Since September 2001, States have requested assistance from the Agency on measures to take in case of theft or seizure of a radioactive source. The Agency has responded to these requests by providing experts for assessment of safety hazard, to help identify the properties of the material seized and to advise on other measures, e.g. improved control at borders. Such assistance was requested by some States to address events in which sources were involved in illicit trafficking, and to assess the safety hazard and handling of an orphan source detected in an urban area.

38. Some preparatory activities were started regarding response to terrorist acts and related emergencies at nuclear installations The first steps of this activity, which will involve Member States, will be a modification of the emergency plans to take account of potential terrorist acts on nuclear facilities.

VII. Adherence to and implementation of international agreements, guidelines and recommendations

Objectives and goals: To bring about the adherence to, or implementation of international instruments relevant to the enhancement of protection against nuclear terrorism by a significantly increased number of States. This is achieved through outreach programmes to Member States through which States adherence to and implementation of such instruments could be encouraged, and solutions to the barriers thereto (e.g. inadequate legislation and/or regulatory structures) could be explored.

Progress made in achieving the objectives and goals

39. The Agency continues to provide advice to Member States on developing national legislation governing the safe and peaceful uses of nuclear energy. Member State requests for legislative assistance in drafting national legislation in the field of nuclear security have increased. The Agency also continued to give advice on the elements for the legal framework including basic requirements and procedures

required for the control of radioactive sources, physical protection of nuclear material, safeguards and import and export controls. A workshop on the development of a legal framework governing all aspects of the safe and peaceful uses of atomic energy was held in November 2002 and focused, inter alia, on the development of national legislation required to govern the physical protection of nuclear material based on the provisions of the Convention on the Physical Protection of Nuclear Material and INFCIRC/225/Rev.4, "The Physical Protection of Nuclear Material and Facilities". A similar workshop will be organized in 2004 for Member States in the Africa region.

40. In September 2001, the Director General of IAEA convened an open-ended group of legal and technical experts (the Group) to prepare a draft amendment of the Convention on the Physical Protection of Nuclear Material. The Group met six times in Vienna; its first meeting being held in December 2001 and its final meeting in March 2003. On 14 March 2003, the Group adopted by consensus its final report and agreed to submit it to the Director General. With the submission of that final report, the Group completed the task for which it was established. The final report of the Group identifies possible amendments that, inter alia, reflect the extension of the scope of the Convention to cover physical protection of nuclear material in domestic use, storage and transport and the protection of nuclear material and nuclear facilities against sabotage; reflect the importance of national responsibility for the establishment, implementation and maintenance of a physical protection regime; cover the physical protection objectives and fundamental principles; establish the basis for cooperation in case of a credible threat of sabotage of nuclear material and nuclear facilities or in case of sabotage thereof; and, establish new offences relating to sabotage, nuclear smuggling and, contributing to and organizing or directing the commission of an offence. However, the text prepared by the Group still contains a small number of bracketed clauses on which agreement has not yet been reached: for example, how the fundamental principles of physical protection are to be incorporated into an amended Convention; whether offences should include damage to the environment; and whether activities of military forces should be addressed by an amended Convention. The Director General will distribute the final report of the Group, through a note verbale, to all States Parties to the Convention for their consideration as to whether to initiate the procedure for the convening of an amendment conference in accordance with article 20 of the Convention. After the note verbale is distributed, it will be for a State or States Parties to activate the amendment procedure in article 20.

41. The terms of reference and the background material for the International Teams of Experts (ITE) that will visit States with a view to holding meetings with senior policy makers to promote adherence to and implementation of international instruments relevant to the enhancement of protection against nuclear terrorism have been completed. Two missions will be organized in 2003. To the extent practicable and bearing in mind the requests received, the first two ITEs will visit up to five States in Africa and up to five States in Latin America.

VIII. Nuclear security coordination and information management

Objective and goals: To support and assist in the coordination of Agency and Member State activities to strengthen nuclear security. This is achieved by establishing a well coordinated programme, by providing consolidated information, and through fostering information exchange with other international organizations.

Progress made in achieving the objectives and goals

42. Effective planning and implementation of the Agency's nuclear security plan of activities must rest on a foundation of good information on Member States needs. The IAEA will organize general nuclear security missions upon request to determine the State's overall nuclear security needs and concerns and to develop a plan for providing and coordinating support and assistance. These missions will take a comprehensive approach covering the range of nuclear activities in the State.

43. The Illicit Trafficking Data Base (ITDB) continues to grow. In 2002, 46 new incidents were confirmed by participating States and added to the database. Efforts continue to encourage more Member States to become ITDB participants. The number of Member States participating in the ITDB has increased to 73 and other States are in the process of joining. Coverage in the ITDB of incidents involving radioactive sources is improving but remains less comprehensive than that for nuclear material.

44. The Agency continues to service a high volume of ad hoc demands for information from Member States, NGOs and academic institutions and to support public information objectives. The Agency has also provided lectures and briefings on illicit trafficking trends and patterns as part of nuclear security training courses and to various workshops and seminars.

45. The Agency has maintained its cooperation with other international organizations, albeit against a backdrop where resources on all sides continue to be under considerable strain. The Agency concluded a memorandum of understanding with the Universal Postal Union in 2002 covering, inter alia, the exchange of information relevant to the transport of radioactive material. An updated version of the ITDB database containing unrestricted information will be produced and issued on CD-ROM to Interpol, EUROPOL and the World Customs Organization (WCO). In November 2002, the United Nations General Assembly adopted the resolution on "Measures to Prevent Terrorists from Acquiring Weapons of Mass Destruction". The Agency participates in this effort. This has encouraged cooperation among and between, inter alia, regional and international organizations for strengthening national capacities. Over the last six months, the Agency has provided consistent support to the WCO Task Force on Security and Facilitation on the International Trade Supply Chain. The Agency intends to continue to develop and expand its relationships with other international organizations, including, where appropriate, the establishment of formal arrangements on the cooperation.

International Civil Aviation Organization

[Original: English]
[23 May 2003]

The activities of the International Civil Aviation Organization (ICAO) are focused on preventing acts of unlawful interference to civil aviation and that the Organization has no specific measures to prevent terrorists from acquiring weapons of mass destruction. However, there are some ICAO activities that may be of interest, including:

- The ICAO Convention on the Marking of Plastic Explosives for the Purpose of Detection was signed in Montreal on 1 March 1991. Article IV, clause 1 states

that "Each State Party shall take the necessary measures to exercise strict and effective control over the possession, and transfer of possession, of unmarked explosives ... so as to prevent their diversion or use for purposes inconsistent with the objectives of this Convention".

- Pursuant to the events of 11 September 2001, the Assembly of ICAO, at its thirty-third session, adopted resolution A33-1: Declaration on misuse of civil aircraft as weapons of destruction and other terrorist acts involving civil aviation, which urges all Contracting States to intensify their efforts to achieve full implementation and enforcement of the multilateral conventions on aviation security, as well as of the ICAO Standards and Recommended Practices (SARPs) relating to aviation security, to monitor such implementation and to take within their territories appropriate additional security measures commensurate to the level of threat in order to prevent and eradicate terrorist acts involving civil aviation.

- In 1998, the thirty-second session of the Assembly of ICAO adopted resolution A32-23: Man-portable air defence systems Export Control, with the intention of reducing the threat posed to civil aviation by terrorist and other unauthorized use of man-portable air defence systems through the implementation of responsible export control policies. More recently, the attack on 28 November 2002, which attempted to destroy a civil aircraft flying from Kenya to Israel, constitutes a serious emerging threat which calls for a broad and sustained strategy with the involvement of the United Nations. ICAO is exploring possible courses of action.

International Maritime Organization

[Original: English]
[30 May 2003]

With respect to maritime security-related instruments, the International Maritime Organization (IMO) has, in the aftermath of the "Achille Lauro" hijacking incident in October 1985, developed:

- Measures to prevent unlawful acts against passengers and crew on board ships, for application on passenger ships engaged on international voyages of 24 hours or more and the port facilities which serve them (1986);

- The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf (SUA treaties) (March 1988);

- Recommendations to Governments, for, and Guidance to shipowners and ship operators, shipmasters and crews on, preventing and suppressing acts of piracy and armed robbery against ships (1993);

- Recommendations on security measures for passenger ferries on international voyages shorter than 24 hours; and ports (1996);

- Guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic (1997).

Following the 11 September atrocities in the United States and pursuant to resolution A.924(22), adopted by the IMO Assembly in November 2001, which called for the review of measures and procedures to prevent acts of terrorism that threaten the security of passengers and crews and the safety of ships, the 2002 SOLAS Conference on Maritime Security adopted mandatory provisions for incorporation into the International Convention for the Safety of Life at Sea (SOLAS), new chapter XI-2 on special measures to enhance maritime security, supplemented by a new International Ship and Port Facility Security (ISPS) Code, containing a mandatory part A and a recommendatory part B.

SOLAS Chapter XI-2 and the ISPS Code are expected to enter into force on 1 July 2004 and will apply to:

1. The following types of ships engaged on international voyages:

   1.1 passenger ships, including high-speed passenger craft;

   1.2 cargo ships, including high-speed craft, of 500 gross tonnage and upwards;

   1.3 mobile offshore drilling units;

2. Port facilities serving such ships engaged on international voyages.

Pursuant to resolution A.924(22), the above-mentioned SUA Convention and its protocol are currently under revision by IMO to ensure that these treaties, which provide for the prosecution or extradition of alleged criminals wherever they happen to be, remain relevant in the light of the events of 11 September.

IMO is currently cooperating with the International Labour Organization (ILO) on the development a new seafarer's identity document (revision of ILO Convention 108) and a new code of practice on port security.

IMO is also cooperating with WCO on the integrity of the multi-modal transport chain (container security: i.e. container sealing, inspections, etc.).

North Atlantic Treaty Organization

[Original: English]
[23 May 2003]

The North Atlantic Treaty Organization (NATO) acknowledges the leading role of the United Nations in addressing the threat of terrorism, contributes actively to United Nations efforts in this field and complements them in the areas where it can bring an added value. The link between terrorism and the proliferation of weapons of mass destruction deserves the closest attention. It was therefore particularly important that the special meeting of the United Nations Counter-Terrorism Committee held with regional organizations on 6 March included among its targets for 2003/2004 addressing the relationship between terrorism and international organized crime on the one hand and the threat of proliferation of weapons of mass destruction on the other. This should create further opportunities for cooperation between our two organizations.

Disarmament, arms control and non-proliferation make an essential contribution to preventing the spread and use of weapons of mass destruction and

their means of delivery. NATO's strategic concept of 1999 states that the Alliance is committed to contribute actively to the development of arms control, disarmament, and non-proliferation agreements as well as to confidence and security-building measures (CSBMs). The Allies are aware of their distinctive role in promoting a broader, more comprehensive and more verifiable international arms control and disarmament process. The Alliance's activities in this field contribute to countering the procurement and potential use of chemical, biological, radiological and nuclear agents by non-state actors. These threats and the Alliance's contributions to meeting them are reviewed regularly, especially by NATO's Senior Group on Proliferation.

NATO nations are pursuing all practical means for advancing a global proscription against the possession and use of chemical, biological and radiological weapons. The Alliance supports efforts to strengthen the implementation of the Biological and Toxin Weapons Convention of 1972.

Part of NATO's contribution to international security and stability is through the promotion of greater understanding of NBC defence issues and practical cooperation in dealing with them. The broad network of NATO's relations with partner countries — including Russia and Ukraine — and with other international organizations is a key factor in furthering cooperation on such issues. NATO and the Russian Federation continue, for example, to exchange views on the evolving nuclear, biological and chemical risks and threats, Russian and NATO defence efforts against their proliferation and the implications of those risks/threats for possible joint operations.

In the framework of the Alliance's Partnership Action Plan against Terrorism, NATO's partners will be invited to support and participate in NATO-led activities to enhance capabilities against weapons of mass destruction-related terrorism and to share appropriate information and experience in this field according to procedures to be agreed.

Staff level contacts take place between the Organization for the Prohibition of Chemical Weapons and NATO. Recent discussions have addressed the elimination of chemical weapon stockpiles and equipment and international assistance and protection in the event of the use or threat of use of chemical weapons. Further contacts are being investigated in order to explore areas of potential cooperation on issues of this kind.

The Alliance's "Matrix of bilateral Weapons of Mass Destruction Destruction and Management Assistance Programmes" highlights the assistance programmes of NATO and non-NATO countries for decommissioning weapons of mass destruction. The matrix is designed to contribute to the coordination of, and avoiding overlaps between, the Allies assistance programmes.

NATO's Economic Committee is considering the economic capabilities of terrorist organizations and the economic consequences of anti-terrorist actions. The Committee focuses in particular on the funding of terrorist activities; the effectiveness of current economic and financial sanctions on terrorist capabilities; financial and other economic links between terrorist groups; links between terrorism and organized crime; mechanisms by which terrorist groups control movement, raising and expenditure of money; and the impact of terrorist acts and threats on economic security and stability.

Finally, NATO is improving the quality and the quantity of intelligence and information-sharing among Allies on proliferation issues. In this regard, NATO staff collate assessments on the proliferation threat with a view to producing a common analysis. These assessments provide a comprehensive overview of the proliferation threat, including: weapons of mass destruction programmes; procurement mechanisms; sources of equipment and technology; trans-shipment and diversion; secondary proliferation; and doctrine. Where possible the assessments also consider potential vulnerabilities.

World Health Organization

[Original: English]
[8 April 2003]

The emphasis of the work of the World Health Organization (WHO) in this regard on the public health response to effects of chemical, biological and other forms of weapons of mass destruction rather than on linkages between the fight against terrorism and proliferation of weapons of mass destruction.

United Nations Office on Drugs and Crime

[Original: English]
[30 May 2003]

While the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime liaises with the International Atomic Energy Agency (IAEA) on matters of mutual concern, the Branch is not currently engaged in matters that are directly related to the linkage between "the fight against terrorism and the proliferation of weapons of mass destruction". The Global Programme against terrorism does, however, provide legal advisory services to requesting Member States for the ratification and implementation of the 12 universal instruments related to the prevention and suppression of international terrorism, including the Convention on the Physical Protection of Nuclear Material. In this regard, it should be pointed out that 22 countries have thus far received such assistance and it is anticipated that approximately 15 more will do so in the remainder of 2003.

While the Office's Crime Programme does have primary responsibility for the ratification and implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (resolution 55/255), the Protocol does not include weapons of mass destruction.

United Nations A/58/208/Add.1

General Assembly

Distr.: General
29 September 2003
English
Original: English/French/Russian

Fifty-eighth session
Agenda item 73 (w)
General and complete disarmament

Measures to prevent terrorists from acquiring weapons of mass destruction

Report of the Secretary-General

Addendum*

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* The information contained herein was received after the submission of the main report.

03-53638 (E) 161003 201003

I. Replies received from Member States

Guinea

[Original: French]
[29 May 2003]

1. Legislative measures

Act No. L/96/008 of 22 July 1996 on weapons, ammunition, powder and explosives distinguishes inter alia four categories of war materiel. The third category consists of "matériel for protection against combat gases and products to be used for chemical, incendiary or biological warfare".

This Act strictly regulates production of and trading in weapons and ammunition. The goal is to prevent the anarchy that would allow terrorists of all persuasions to obtain weapons of mass destruction.

Under article 3 of the Act, "Any physical or moral person wishing to engage in the production or marketing of matériel in categories 1 to 4 inclusive shall be required to make a preliminary declaration to the Minister of Defence".

Paragraph 2 of the above-mentioned article specifies that "State authorization and monitoring, in conditions established by decree, are required in order for enterprises producing or trading in war matériel and defensive weapons and ammunition in categories 1, 2, 3 and 4 to function and for their middlemen or advertising agents to engage in their activities".

On the subject of the acquisition and retention of weapons and ammunition, article 9 of the Act states "The acquisition and retention of weapons and ammunition in categories 1, 2 and 3 ... shall be prohibited unless authorized."

Article 12 states:

> "The development, production, retention, stockpiling, acquisition and transfer of biological agents, other agents or toxins, whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes shall be prohibited."
>
> "Encouraging or in any way assisting a State, enterprise, organization or any grouping or individual to engage in the operations mentioned in paragraph 1 above shall be prohibited."
>
> "Violations of the provisions of this article shall be punishable by prison terms ranging from 3 to 10 years and a fine ranging from 200,000 to 800,000 Guinean francs, or by one of these two penalties."
>
> "Following sentencing, the court shall order the confiscation and destruction of the agents or toxins specified in this article. It may also order the temporary or permanent, total or partial, closure of the establishment where any of these agents or toxins were developed, produced, retained or stockpiled and/or the confiscation of the equipment used to develop, produce, retain or stockpile such agents or toxins. The court may ban the guilty party, for a period not exceeding five years, from exercising the profession under cover of which the offence was committed."

2. Institutional measures

In order to strengthen and enforce the regulations concerning weapons, ammunition, powder and explosives and to promote a climate of national, subregional and international security, the Republic of Guinea is observing the Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons signed by the Heads of State and Government of the Economic Community of West African States on 31 October 1998.

Guinea has also endorsed the Code of Conduct for the implementation of this Moratorium.

Decree No. D/066/2000/PRG/SGG of 18 August 2000 concerning the creation, functions, membership and operation of the National Commission against the Illicit Proliferation and Circulation of Light Weapons reflects the stated desire of the Guinean Government to conduct a concerted and coherent campaign for peace, security and development in the subregional, African and international arena. In this connection, it should be noted that this National Commission has adopted and implemented a Plan of Action fully consistent with the priority goals of the Programme for Coordination and Assistance for Security and Development, which is a UNDP programme designed to support and facilitate the Moratorium regime.

The National Commission against the Illicit Proliferation and Circulation of Light Weapons has already opened a Liaison Office at Conakry National and International Airport. The Liaison Office is responsible for using effective legal and technical means to monitor air traffic in order to prevent any criminal activity at the Airport, whether terrorist or not. Other Liaison Offices will be opened shortly at the ports of Conakry and Benty (Kasmar) and at the main border posts.

India

[Original: English]
[23 September 2003]

India introduced this resolution in the fifty-seventh General Assembly to give expression to the widely shared concern of the international community about the heightened dangers posed by the risk of terrorists getting access to weapons of mass destruction or related material and technology. In recognition of this threat, the resolution aimed at underlining the urgent need to deal with it at the national, regional and global levels. This is not a problem that is country or region-specific, but has global reach and implications. Therefore, it requires a collective effort, through a truly multilateral approach that would increase the chances of it being accepted and supported by the widest possible constituency, thereby also ensuring its effectiveness.

The adoption of resolution 57/83 without vote is a measure of the widespread support for this resolution, reflective of the shared concerns of the international community and the common determination to combat terrorism, in particular its linkages with weapons of mass destruction (WMD).

As a victim for over two decades, India has taken the lead in international efforts in the fight against terrorism. Of particular concern is the combination of terrorism, world extremism and WMD proliferation linkages, which concern not

only India but also the international community as a whole. There is no justification for terrorism on any grounds — religious, political, ideological or any other. No terror network can sustain itself without the countries which provide them sustenance and support. Therefore, the fight against terrorism and its new manifestations of linkages with WMD should not be restricted only to perpetrators of terrorist acts, but should also encompass States that support or sponsor them.

The General Assembly and Security Council have adopted a number of resolutions conveying the resolve of the international community to combat terrorism. In particular, the Secretary-General's Advisory Board on Disarmament Matters has considered this matter in depth and has put forward several recommendations, including that the United Nations address the issue.

India has been supportive of all international efforts, particularly in the United Nations to combat terrorism and is fully committed to implementing Security Council resolution 1373 (2001). India has sponsored a Comprehensive Convention on International Terrorism to provide a comprehensive legal framework to combat terrorism. We have also supported the Russian draft proposal for a convention on suppression of nuclear terrorism. These measures are important in consolidating and further strengthening international efforts against terrorism, which would have important implications also for putting in place measures to prevent terrorists from acquiring weapons of mass destruction.

Additional measures

There already exist separate corpuses of international law on terrorism and weapons of mass destruction. However, there are no references in one to the other. It is for further reflection that the common cause against terrorism would be better served through an appropriate declaration on terrorism and weapons of mass destruction, which would serve the purpose of bringing together various strands, even while strengthening them.

Strengthening the disarmament and non-proliferation agenda and specific, credible steps towards its implementation would serve the important purpose of building confidence among States, enabling them to focus on common threats and work together to combat them. States parties to the existing international legal instruments in this field must implement their obligations in full and in good faith. This in itself would be a major step in reducing or preventing access of terrorists to materials, equipment and technologies related to WMD.

In addition, there is need for particular focus on provisions relating to physical protection, safety, security and safe disposal of WMD-related materials and technologies. The Biological Weapons Convention and Chemical Weapons Convention in fact provide for international cooperative efforts in terms of assistance and protection against the respective mass destruction weapons. We have also supported addressing the issue of radiological weapons at the Conference on Disarmament, in view of the growing concern about radiation dispersal devices.

At the same time, we recognize that the evolving nature of threats and their new manifestations require new and innovative methods in dealing with them, consistent with the Charter of the United Nations and international law. In this interconnected world, ease of transport and transit of WMD materials increase the risk of these falling in the wrong hands and is, in fact, a source of major concern. As

a new multilateral non-proliferation initiative, we are prepared to explore in a constructive manner current efforts under way among like-minded States to address this problem and hope that through dialogue and consultation common agreement will be found on ways and means of achieving the desired ends.

Multilateral and regional efforts

As the events of 11 September showed, distance offers no insulation. It is therefore necessary for the international community to close ranks in order to completely isolate groups and States that promote terrorism so that we are able to turn back this menace once and for all.

The Final Document of the Summit of the Non-aligned Movement, held in Kuala Lumpur in February 2003, welcomed the adoption of resolution 57/83.

We have also noted that other groups and regional organizations have taken into account in their deliberations the dangers posed by terrorists gaining access to WMD and the need for international cooperation in combating such a threat. We welcome the statements made by the G8 and the European Union on security of radioactive sources; we have participated in discussions in developing the International Atomic Energy Agency code of conduct on the same subject. Many of the suggested measures and regulations are already being implemented in India.

Relevant international organizations have been requested by the United Nations, pursuant to this resolution, to provide inputs on measures already taken by them relating to the fight against terrorism and the proliferation of WMD.

India participated in the Association of Southeast Asian Nations Regional Forum Workshop on "Managing the Consequences of a Major Terrorist Attack", held in Darwin, Australia, from 3 to 5 June 2003, which issued a set of recommendations. This is an illustrative example of productive regional consultation and dialogue.

National measures

We have several ongoing measures to strengthen our national capacities to deal with national disasters, including terrorist attacks involving WMD. These cover the entire spectrum of measures, from prevention through to dealing with consequences of such attacks. Our national laws have been strengthened to deal with terrorism in all its aspects — criminalization, prevention, cutting financial and narcotic links, extradition and mutual judicial assistance with other countries. We also discuss joint cooperation to combat terrorism with a large number of countries.

We are committed to strengthened export controls to deny access — whether to States or non-State actors. Our commitment to an effective and comprehensive system of export controls is based on a policy of restraint anchored in a conscious decision to prohibit or restrict export of WMD-usable materials, equipment or technologies or their delivery systems. This is based on the fact that we are conscious of our responsibilities arising from the possession of advanced technologies. There is an ongoing effort further to increase security consciousness and adoption of "best practices".

In sum, combating the threat of WMD-terrorism will require action at multiple levels, increasing and strengthening national capacities, as well as new levels and

forms of regional and international cooperation, only as part of a comprehensive global effort to prevent terrorists from acquiring weapons of mass destruction.

Russian Federation

[Original: Russian]
[6 August 2003]

As a State party to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (Chemical Weapons Convention — CWC), the Russian Federation has taken the necessary steps, in accordance with its constitutional procedures, to comply with its obligations under that Convention, including those relating to non-proliferation. The main task in that connection is to establish a basis of legislation, rules and regulations.

The Federal Act on the destruction of chemical weapons and the Federal Act on the ratification of the Chemical Weapons Convention define the areas in which officials, federal executive authorities and authorities of the component entities of the Russian Federation are responsible for the implementation of obligations under the Convention, and establish which categories of natural and legal persons are responsible for direct implementation of federal laws and other rules and regulations on chemical disarmament.

A Decree of the President of the Russian Federation approving the schedule of chemicals, equipment and technologies usable in the production of chemical weapons and therefore subject to export controls establishes at federal level which toxic chemicals must be verified under the terms of the Chemical Weapons Convention and which chemical-industry equipment could be used to produce chemical weapons. The Decree also lays down specific procedures for export controls.

An ordinance of the Government of the Russian Federation approving licensing provisions for the storage, transport and destruction of chemical weapons and the handling of toxic chemicals and waste formed during the destruction of chemical weapons establishes a procedure for State licensing of such activities performed by legal persons, irrespective of their legal or organizational structure. The Russian Federation, as a State party to the Chemical Weapons Convention, aims to establish State regulation of all activities connected with the storage, transportation and destruction of chemical weapons and the handling of toxic chemicals and waste formed during the destruction of chemical weapons.

The Federal Act on amendments to article 355 of the Criminal Code of the Russian Federation establishes criminal liability for developing, producing, stockpiling, acquiring or selling chemical weapons banned under the Chemical Weapons Convention. The Criminal Code (article 188) was amended and supplemented to establish the criminal liability of citizens for activities connected with the smuggling of toxic chemicals and their precursors and the illegal export, circulation or production of toxic chemicals and their precursors.

We have been pressing for the development and adoption of a federal act on additions to the Code of Administrative Offences of the Russian Federation to cover

illegal business activity involving controlled chemicals which undermine the aims of the Chemical Weapons Convention.

In addition to the package of legislation, rules and regulations described above, which the Russian Federation has adopted with the aim of fulfilling its obligations under the Convention to prevent the proliferation of chemical weapons, it has set up and put into operation a data-collection system for daily declarations under the Convention, covering all facilities involved in the storage, production and destruction of chemical weapons, as well as industrial establishments connected with the production, processing, consumption, export and import of chemicals appearing on the schedules, and particular organic chemicals.

The Russian Federation is paying close attention to perfecting systems to protect facilities for the storage of chemical weapons. Each year the federal budget contains an allocation for the item dealing with security for stocks of chemical weapons, and improving such security is one of the fields covered by international cooperation.

Chemical weapons storage facilities have developed anti-terrorism plans, involving the use of armed units.

All such facilities have protection, defence and detection systems for the facility and its perimeter.

There is continuous cooperation between chemical weapons storage facilities and the regional units of the Russian secret service, as well as a continuous exchange of information with the law-enforcement agencies regarding the situation in individual regions.

Of the 24 former chemical weapons production facilities declared by Russia, eight are to be destroyed and 16 are to be converted with the permission of the Conference of the States Parties to the Chemical Weapons Convention. At present, six facilities have been destroyed and two are in the process of being destroyed. All 16 facilities for conversion have been fully demilitarized. Six now house commercial plants and the others will do the same once the active work to complete the conversion is finished. The industrial ability to produce chemical weapons in the Russian Federation has therefore been eliminated.

The Russian Federation confirms its attachment to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (Biological Weapons Convention — BWC), and fulfilling international obligations regarding biological weapons is one of the priorities of its national policy.

The Russian Federation has withdrawn its reservations to the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare of 17 June 1925.

The Russian Federation has established and brought into force a basis of legislation, rules and regulations to fulfil its international obligations to ban biological and toxin weapons, including legislation, rules and regulations regarding export controls on biological agents and toxins and equipment and technologies for the production of potentially dual-use agents. A Federal Act and the relevant ordinance of the Government of the Russian Federation have established licensing of activities involving the use of infectious-disease pathogens, and introduced State

registration of genetic engineering activities. The Criminal Code has been made more precise, in order to establish penalties for activities which are incompatible with the Biological Weapons Convention.

The activities of biological and biotechnological facilities are monitored and the nature and scale of their work with pathogenic micro-organisms and toxins is assessed, along with their level of bio-security.

Implementing the decisions of the Third Review Conference of States Parties to the Biological Weapons Convention held in 1991, the Russian Federation, as part of its confidence-building measures, provides the United Nations with a yearly account of its biological and biotechnological activities which follows established formats. Receipt of such information from all the States parties to the Biological Weapons Convention is one of the most important elements of confidence building.

The Biological Weapons Convention is not yet universal, unfortunately. By 1 May 2003, it had 149 States parties. As things currently stand, there is no absolute certainty that States, including States parties, do not possess biological weapons. The threat that such weapons could be used in armed conflict remains, and a growing number of countries are able to produce biological agents and toxins to infect humans, animals and plants. Recent developments in science and technology and achievements in biology, biotechnology, genomics, proteomics and bioinformatics have laid the basis for developing new biological agents and toxins.

Efforts to develop and adopt a legally binding international instrument to reinforce the Biological Weapons Convention (by establishing a monitoring mechanism) are deadlocked. This threatens to weaken the basis for non-proliferation and opens the way for a number of States to conduct activities in biology and biotechnology which violate the Biological Weapons Convention. The opportunities for clandestine proliferation of harmful micro-organisms are growing.

At the Fifth Review Conference of the States Parties to the Biological Weapons Convention, which concluded its work in November 2002, the attention of the States parties was focused on the need to improve the basis of domestic legislation, rules and regulations and to reinforce monitoring at the national level. International meetings of experts and representatives of States parties are planned for the period from 2003 to 2005 in order to help States to establish a system to protect their bio-security.

The Russian Federation advocates the establishment of a reliable, effective and operational mechanism to reinforce the Biological Weapons Convention.

The Russian Federation supports the efforts of the International Atomic Energy Agency (IAEA) to prevent nuclear terrorism, especially in the context of the decisions which the leaders of the Group of Eight (G8) took in Evian. It reaffirms its commitment to the action plan in that regard, since the plan will considerably enhance the ability of States to prevent terrorist acts using weapons of mass destruction, including nuclear weapons.

The Russian Federation supports the work of IAEA to prevent the illegal circulation of nuclear materials, strengthen safeguards and develop a system of accountancy and verification for nuclear materials.

One of the practical steps to counter potential acts of nuclear terrorism is the initiative of the Russian Federation, the United States of America and IAEA to

establish appropriate arrangements to verify, locate, recover and secure "orphan" radioactive sources in the countries of the Commonwealth of Independent States and other areas.

The Russian Federation is also examining the issue of denying terrorists access to weapons of mass destruction (particularly nuclear weapons) in the context of bilateral contacts — for example, contacts with counter-terrorism working groups.

The Russian Federation advocates rapid adoption of relevant universal conventions within the United Nations framework, and first and foremost the completion of efforts to draft an international convention for the suppression of acts of nuclear terrorism. That would provide an effective mechanism to counter such acts, including provisions to regulate the suppression of terrorist acts and tackle their consequences.

The Russian Federation proposes that the list of the 1998 Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies should be expanded to include specialized equipment and technological devices which could make possible terrorist attacks using weapons of mass destruction.

United States of America

[Original: English]
[5 September 2003]

The Government of the United States of America supports a broad range of international and national efforts that respond to the resolution's aims. The United States pursues such efforts principally through the Global War on Terrorism and the United States National Strategy to Combat Weapons of Mass Destruction.

Terrorists and their supporters should be the heroes of no one. The United States believes that those who would direct attacks against innocent civilians also must be considered to be willing to commit atrocities with weapons of mass destruction. The States Members of the United Nations should implement a broad spectrum of measures that supplement established practices for tackling the global threat posed by terrorists who acquire weapons of mass destruction. To this end, the international community must pursue a multifaceted response to this multifaceted threat. We should enhance traditional non-proliferation measures — diplomacy, arms control, multilateral agreements, threat reduction assistance and export controls — to help dissuade or impede terrorist networks from gaining access to sensitive technologies, material and expertise. We must ensure and enforce compliance with all relevant international agreements, such as the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention. Expanded safety and security measures regarding radioactive and fissile materials, pathogens, and deadly chemicals are also necessary. When required, we must undertake other measures, in accordance with international law, to prevent terrorists or those who harbour them from acquiring or using weapons of mass destruction.

The elimination of financial and political support for terrorist organizations and for States that abet international terrorism is also an important way to prevent them from acquiring and using weapons of mass destruction. Diminishing finances

and eliminating havens from which terrorists can pursue their planning, training and other activities will circumscribe their potential for acquiring weapons of mass destruction. States can also take strong steps against international money-laundering.

The United States, as a member of the Group of Eight (G8), promotes G8 efforts to identify the way forward in limiting terrorist access to weapons of mass destruction. The Government of the United States refers the Office of the Secretary-General to the G8 statements issued at the June 2002 Summit in Kananaskis, Canada, and at the June 2003 Summit in Evian, France. The United States and the European Union, at their Summit in Washington, D.C., in June 2003, also issued a joint statement on the proliferation of weapons of mass destruction. A copy of this latter statement is attached.[1] Each of these documents identifies additional relevant measures, as requested in the resolution.

The United States further recalls that resolution 57/68 "invites all countries, as appropriate, to join the Group of Eight commitment to the non-proliferation principles endorsed by the Group of Eight leaders at the Kananaskis Summit aimed at preventing terrorists, or those who harbour them, from acquiring or developing nuclear, chemical, radiological and biological weapons, missiles, and related materials, equipment and technology".

The United States has undertaken a variety of national and international initiatives to prevent terrorist and other acquisition of weapons of mass destruction, their means of delivery and materials and technologies related to their manufacture. The Government of the United States would like to inform the Office of the Secretary-General, on an illustrative basis, of several of these initiatives and invite cooperation from the international community.

To monitor the transport of high-risk cargo, the Bureau of Customs and Border Protection of the United States Department of Homeland Security launched the Container Security Initiative (CSI). As of July 2003, 39 foreign ports have committed to join CSI and additional ports are anticipated in the near future. CSI currently is operating in 16 major international seaports. Once operational in all 39 ports, CSI will pre-screen nearly 80 per cent of all cargo containers that arrive at United States seaports.

The United States is working with other countries to prevent the proliferation of shoulder-launched missiles that can be used against commercial aircraft. At the June 2003 G8 Summit, leaders committed their countries to implementing steps to prevent the acquisition of shoulder-launched missiles, including adopting strict national export controls, regulation of brokering and banning transfers to non-State actors.

To ensure the physical security of facilities and materials, the United States chemical industry has worked in partnership with United States governmental agencies, including the Department of Energy and the Environmental Protection Agency, to assess vulnerabilities and enhance safety and security measures. Companies representing more than 90 per cent of United States chemical production have adopted a comprehensive and rigorous security code, added to security personnel, upgraded security procedures and access control systems, and enhanced perimeter barriers and intrusion alarms. These measures help prevent terrorist access to sensitive materials, as well as bolster our defences against terrorist attack.

The International Atomic Energy Agency, through its Nuclear Security Action Plan, provides advice, training and equipment to combat nuclear terrorism. The United States has contributed $15.9 million to the Action Plan since its inception and endorses substantial contributions from other nations.

The United States also helps other Governments to bring their export control systems up to international standards through the Export Control and Related Border Security Assistance programme coordinated by the United States Department of State. The programme draws on the expertise of several United States government agencies and of the private sector to assist potential suppliers, countries along key transit routes and countries with substantial volumes of trans-shipment trade in strengthening their legal framework, licensing processes and enforcement capabilities.

The Cooperative Threat Reduction projects that the United States has supported in the former Soviet Union address several risks, including that of terrorist access to stocks of weapons of mass destruction or the materials needed to make them. The Global Partnership that was announced at the 2002 G8 Kananaskis Summit provides an important basis for expansion of these kinds of projects. The Government of the United States welcomes contributions to the Global Partnership from the wider international community.

To combat the threat of weapons of mass destruction terrorism effectively multilateral bodies dealing with arms control issues need to leave behind outdated concerns stemming from the Cold War era and move forward to address the clear and present dangers posed by the development, acquisition, transfer and use or threatened use by State sponsors of terrorism or terrorist organizations of these most indiscriminate and destructive of weapons.

II. Replies received from international organizations

Organization for Security and Cooperation in Europe[2]

[Original: English]
[25 July 2003]

Decisions of the Ministerial Council of the Organization for Security and Cooperation in Europe (OSCE) and several OSCE documents, including the Porto Charter on Preventing and Combating Terrorism and the Principles Governing Non-proliferation, address issues of weapons of mass destruction (WMD) and terrorism. These political instruments complement the United Nations Security Council and General Assembly resolutions and other international legal instruments. The implementation of these commitments will be conducted primarily at the national level. In addition, OSCE bodies, institutions and field operations have some limited capacity to address weapons of mass destruction-terrorism and, in specific instances, have engaged in direct activities to prevent and combat proliferation. For example, OSCE has undertaken, participated in and/or coordinated activities aimed at reducing the availability of radiological materials and means of delivery in Georgia and Kyrgyzstan. Overall, the organization is active in a range of fields, which directly or indirectly address weapons of mass destruction-terrorism.

1. Preface

This document focuses on activities of OSCE to prevent terrorists from acquiring and using weapons of mass destruction, eluding efforts directed at WMD-incident disaster management.

(a) Overall OSCE counter-WMD-terrorism approach

Countering WMD-terrorism is a segment of the overall OSCE action against terrorism and will be conducted according to the same principles as the overall programme under the aegis of the United Nations. Fundamental to the OSCE approach is complementarity of action and avoidance of duplication of effort through coordination among international, regional and subregional organizations. The guiding principles of OSCE cooperative efforts are enshrined in the operational document of the Charter for European Security, the Platform for Cooperative Security, which sets as a main goal to strengthen the mutually reinforcing nature of the relationship between those organizations and institutions concerned with the promotion of comprehensive security within the OSCE area. These principles were further corroborated by the OSCE participating States in the Bucharest Plan of Action for Combating Terrorism (annex to MC(9).DEC/1), in the Bishkek Programme of Action against Terrorism (SEC.GAL/289/01) and in Decision No. 1 of the Tenth Meeting of the OSCE Ministerial Council (MC(10).DEC/1). In particular, in Bucharest the OSCE participating States invited OSCE to play a coordinating role for interregional and intraregional activities in order to create an ever-closer network for the international coalition against terrorism.

OSCE addresses all anti-terrorism measures and cooperation in accordance with the Charter of the United Nations and the relevant provisions of international law, international standards of human rights and, where applicable, international humanitarian law. In its response, OSCE will build on the specifics of the organization, its strengths and comparative advantages as a regional arrangement under Chapter VIII of the Charter of the United Nations. Among these advantages are its broad coalition of States, its comprehensive and cooperative security concept linking the politico-military, human and economic dimensions and its experience in the field.

Counter-WMD-terrorism efforts will also conform to the United Nations Counter-Terrorism Committee's three-stage programme outline, commencing with the creation of a necessary anti-terrorism legal framework, continuing with the enhancement of executive machinery to implement the legislation and concluding with the development of international anti-terrorism cooperation.

(b) Terms of reference

The types of WMD this report will deal with are as follows: nuclear, biological (including weaponized diseases), chemical, toxin and radiological. This report will not define the classes further. The non-proliferation of materials and technologies related to manufacturing WMD includes all the efforts made to prevent terrorists from acquiring components, equipment and expertise necessary to produce WMD. The non-proliferation of means of delivery include all the efforts made to prevent terrorists from acquiring weapons above the definition of small arms and light weapons, in particular missiles, as well as their components and improvised means of delivery, where applicable.

2. Stage A: strengthening the legal framework

For security agencies effectively to prevent WMD-terrorism, appropriate legislation needs to be in place nationally. It should provide specific and detailed guidance for intelligence and law enforcement officials in investigating illicit activities related to WMD and authorize them to take necessary preventive action. Overarching international and complementary regional standards promote and standardize the adoption of such national legal measures.

(a) Promoting international standards regionally

The International Convention for the Suppression of Terrorist Bombings is pertinent to counter-WMD-terrorism in the sense that it covers any weapon or device that is designed, or has the capability, to cause death, serious bodily injury or substantial material damage through the release, dissemination or impact of toxic chemicals, biological agents or similar substances or radiation or radioactive material. The implications of this instrument extend to all three stages of the Counter-Terrorism Committee's counter-terrorism programme. The OSCE Bucharest Plan of Action added momentum to the legal obligation under Security Council resolution 1373 (2001) for States to become party to this treaty and currently 69 per cent of the 55 OSCE participating States are in compliance: 38 States have ratified the treaty, nine have signed it and only eight have done neither.

The Convention on the Physical Protection of Nuclear Material is directly linked to counter-WMD-terrorism. The implications of this instrument extend to all three stages of action. The OSCE Bucharest Plan of Action added momentum to the legal obligation under resolution 1373 (2001) for States to become party to this treaty, and currently 46 of the 55 OSCE participating States, i.e. 84 per cent, are in compliance.

Through multifaceted efforts, OSCE is facilitating the ratification and implementation of these instruments. Among them, the Informal Open-ended Group of Friends of the Chair on Assistance on the Implementation of OSCE Commitments and Activities on Combating Terrorism was established by the Chairmanship in February 2003. The Group promotes and facilitates, inter alia, the implementation of resolution 1373 (2001) and the ratification and the implementation of the 12 international conventions and protocols related to terrorism, including the two related to WMD. Furthermore, in February 2003, OSCE held an awareness-raising seminar for the Central Asian States in cooperation with the United Nations Office on Drugs and Crime and the United Kingdom Foreign and Commonwealth Office. Follow-up activities to the seminar are ongoing. With regard to the WMD-element of the Convention and bio-terrorism in particular, an OSCE workshop on enhancing the implementation of this instrument is under consideration.

OSCE is exploring the possibilities for complementary action with the International Atomic Energy Agency (IAEA) and the Organization for the Prohibition of Chemical Weapons.

(b) Creating complementary regional standards

Several OSCE anti-terrorism and non-proliferation decisions and commitments address WMD-terrorism. Among them, the Tenth Meeting of the Ministerial Council recognizes the danger posed by weapons of mass destruction in the hands of

terrorists (MC(10).DEC/1). To deal with this threat, in the Charter on Preventing and Combating Terrorism (MC(10).JOUR/2), the participating States commit to:

- Use all relevant instruments available within the politico-military dimension of OSCE, as represented by the Forum for Security Cooperation, [to reduce] the risk of terrorists gaining access to weapons and materials of mass destruction and their means of delivery
- Minimize those dangers through national efforts and by strengthening and enhancing the existing multilateral instruments in the fields of arms control, disarmament and non-proliferation, including the OSCE Principles Governing Non-proliferation.

In addition, the Bucharest Plan of Action for Combating Terrorism (annex to MC(9).DEC/1), adopted by the Ninth OSCE Ministerial Council, avows that the participating States will use the Forum for Security Cooperation to combat terrorism through the implementation of existing politico-military commitments and agreements. Among such documents, the Principles Governing Non-proliferation (DOC.FSC/6/961) states that the participating States will:

- Affirm their commitment to prevent the proliferation of nuclear weapons; to prevent the acquisition, development, production, stockpiling and use of chemical and biological weapons; to control the transfer of missiles capable of delivering weapons of mass destruction and their components and technology
- Reflect [these] commitments [in their] legislation, regulations and procedures governing the non-proliferation of weapons of mass destruction and missiles capable of delivering them, relevant technology and expertise
- Prevent, within their constitutional and legislative means, their nationals from engaging in activities that do not conform to these principles concerning the non-proliferation of all types of weapons of mass destruction.

3. Stage B: strengthening executive machinery

For security agencies to prevent WMD-terrorism effectively, appropriate resources, mandates, competencies, expertise and equipment must be made available to them. OSCE is engaged in wide-ranging activities to assist overall implementation of national anti-terrorism legislation and strengthening of executive machinery, including criminal intelligence capabilities. For example, police training activities under the OSCE field operations in the State union of Serbia and Montenegro (including Kosovo), include counter-terrorism modules. However, they do not include sections dealing with WMD-terrorism. Indeed, OSCE is not directly or exclusively involved in strengthening the executive machinery to counter WMD-terrorism in the field. This is due in part to the fact that, according to international experts, international instruments and domestic legislation often provide only limited specific and detailed guidance for intelligence and law enforcement officials, for example, in investigating illicit activities related to biological agents. This circumstance underlines the need to enhance implementation of the international instruments related to counter-WMD-terrorism.

4. Stage C: enhancing international cooperation

Security Council resolution 1373 (2001) calls upon all States to find ways of intensifying and accelerating the exchange of operational information, especially regarding the threat posed by the possession of weapons of mass destruction by terrorist groups. As indicated in paragraph 2 (a) above, OSCE participating States have affirmed their commitments to fulfil international obligations as enshrined, inter alia, in resolution 1373 (2001).

The organization is currently examining how its existing and prospective processes for exchanging best practices among the participating States could be extended to the domain of anti-terrorism. The feasibility of establishing an OSCE national Point of Contact Anti-Terrorism Network, which could include limited WMD-proliferation activities, is under consideration. Furthermore, OSCE has received guidance from the Counter-Terrorism Committee to survey the possibilities for lateral exchange of best practices, standards and codes among regional organizations, potentially including limited activities related to countering WMD-terrorism.

With regard to preventing trafficking of WMD-materials and production equipment, it has been argued that trafficking in all types of illegal goods and persons utilize the same existing criminal networks. Therefore, anti-trafficking measures in various fields can have a significant degree of synergy. Overall, OSCE has identified border security as one of its four strategic anti-terrorism priorities. Consequently, the organization has initiated several pertinent activities at various levels, including participation in the Ohrid Process, assistance to border policing, regional workshops on detecting falsified travel documents and technical assistance to the border crossing point between Uzbekistan and Afghanistan. Also, the related OSCE Police Assistance Programmes enhance the capacity to prevent WMD-trafficking. For example, the programme in Bishkek, sets out among other objectives the creation of a National Police Information Analysis System. However, while enhancing general border security capacity in the OSCE region, these activities do not focus exclusively on WMD and do not contain specific WMD-components.

The OSCE is open to cooperation with other international regional and subregional organizations and initiatives to enhance international cooperation to counter WMD-terrorism and to seek complementarity of action within comparative organizational advantages.

5. Direct counter-WMD-terrorism activities of the field operations

Radiological materials. In Georgia, OSCE has a six-year record of assisting in the retrieval and salvage of abandoned cesium, cobalt, radium, and strontium material. Last year, following an official request from the Georgian Government, OSCE facilitated and participated in efforts involving the Georgian authorities and IAEA to conduct salvaging of stray orphan nuclear sources, i.e. strontium-90 nuclear batteries. In June 2002, OSCE participated with personnel and materiel in a search for further orphan nuclear sources organized by IAEA. Additional information is available through the IAEA web site: http://www.iaea.org/worldatom/Press/News/georgia_radsources.shtml.

In Kyrgyzstan, OSCE is carrying out coordination and stocktaking activities within an international framework to eliminate 36 exposed radiological and chemical material sites in Mailuu-Suu. These sites contain around 1.99 million m^3 uranium waste and 940.500 m^3 off-grade ores. While environmental concerns are paramount, it is recognized that illicit non-State actors could exploit these sites to access radiological materials — a threat compounded by the proximity of regional water resources. The programme is currently at the fact-finding and planning stages and OSCE is coordinating the effort, providing experts and facilitating cooperation with the host Government through its field presence in the country. International partners include Lawrence Livermore National Laboratory, IAEA, the World Bank, Regional Ecological Centre in Central Asia and experts from several countries. The North Atlantic Treaty Organization has also expressed interest in the project. Additional information is available through the OSCE web site: http://www.osce.org/news/show_news.php?id=3211.

Means of delivery. In Georgia, in addition to a substantial small arms and light weapons-destruction programme, OSCE has carried out several activities, at the request of the host Government, that have helped reduce the illicit availability of means to deliver WMD. One of such projects resulted in the neutralization of 500 tons of melange rocket fuel. The on-going Recycling and Destruction of Stockpiles of Ammunition programme will result in the destruction of thousands of tons of ammunition and bombs stockpiled in Georgia, including the following material directly or indirectly (by modification) usable to deliver WMD, such as:

- Aerial bombs: around 3,000 pieces, types FAB, OFAB, ZAB and BETAB
- Artillery shells: around 58,000 pieces, between 100-152 mm
- Fuel-Air-Explosive (FAE) bombs, unspecified amount of type ODAB
- Missiles: unspecified amount of SAM/AAM/AGN.

Additional information is available through the OSCE web site: http://www.osce.org/news/show_news.php?id=3024.

Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization

[Original: English]
[22 July 2003]

The Preparatory Commission is cognizant of the serious threat that the possible acquisition of weapons of mass destruction by terrorist groups poses to world peace and security. In this regard, efforts to bring into force the Comprehensive Nuclear-Test-Ban Treaty (CTBT) could enhance the international community's preparedness to tackle this challenge to the non-proliferation of nuclear weapons.

By banning nuclear test explosions or any other nuclear explosion in all environments, CTBT constitutes an effective non-proliferation instrument, which prevents States parties from causing, encouraging, or in any way participating in such activities that could defeat the purpose and object of the Treaty. The Treaty also obliges States parties to prevent nuclear testing in their territories, including the obligation to prevent nuclear testing by non-State actors.

Furthermore, the Preparatory Commission, pursuant to its mandate, is steadily and securely establishing the global verification regime as provided by the Treaty, which consists of an International Monitoring System composed of 337 facilities, including 321 monitoring stations and 16 radionuclides laboratories, supported by an International Data Centre, consultation and clarification, on-site inspections and confidence-building measures.

To date, 150 stations (46.7 per cent) of the International Monitoring System have been completed or substantially meet specifications and a further 80 stations are under construction or in the stage of contract negotiations. Some 100 stations worldwide are transmitting data to the International Data Centre in Vienna, many through a satellite-based Global Communication Infrastructure, which is being progressively installed, and also connects the International Data Centre with national data centres of States.

Since its inception in 1997, the Preparatory Commission has continuously encouraged universal adherence to and support of CTBT through signature and ratification. The fact that CTBT has been signed by 167 States, of which 103 have ratified it, including 32 of the 44 States whose ratification is required for entry into force, represents an important step towards ensuring its full implementation.

The conference to facilitate the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty, convened by the Secretary-General of the United Nations in accordance with article XIV, paragraph 3, of the Treaty, and scheduled to take place in Vienna from 3 to 5 September 2003, will contribute to the prevention of the proliferation of nuclear weapons in all its aspects.

Notes

[1] The following document was attached to the reply received from the United States of America: "U.S.-EU Pledge to Use 'All Means' to Avert WMD Proliferation", joint statement issued in conjunction with the United States-European Union Summit. This document is available for consultation in the Department for Disarmament Affairs of the Secretariat.

[2] The following documents were attached to the reply received from the Organization for Security and Cooperation in Europe: Decision No. 1, the Ninth Meeting of the OSCE Ministerial Council (MC(9).DEC/1); the Bucharest Plan of Action for Combating Terrorism (annex to MC(9).DEC/1); Decision No. 1, the Tenth Meeting of the OSCE Ministerial Council (MC(10).DEC/1); the Porto Charter on Preventing and Combating Terrorism (MC(10).JOUR./2); documents of the Bishkek International Conference on Enhancing Security and Stability in Central Asia: Strengthening Comprehensive Efforts to Counter Terrorism (SEC.GAL/289/01); the OSCE Principles Governing Non-proliferation (DOC.FSC/6/961); status of ratification by OSCE participating States of the 12 United Nations anti-terrorist conventions and protocols (SEC.GAL/16/03/Rev.1; and Charter for European Security. These documents are available for consultation in the Department for Disarmament Affairs of the Secretariat.